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CMA No. 2610 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2610 of 2023

1. Jameerual Iqbal
S/o. Abdul Kapoor, No. 20, Sakthi
Ganapathy Nagar, 1st Street,
Thiruvottiyur, Chennai 19.

Appellant(s)

Vs

1. KANDAVEL
No. 8, Kattiyapan, Manali, Chennai 68

2.The United India Insurance Co.Ltd.
Motor III Party Claims Office,
No.134, Greams Road, Chennai 6.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the quantum of compensation as granted under the Judgement and Decree dated 28.04.2023 in MCOP No. 3871 of 2014 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes), Chennai.

For Appellant(s): Mr.K.Sivakumar

For Respondent(s): Mr.S.Arunkumar For R2
R1 – Notice dispensed with



JUDGMENT

The appellant has filed this appeal against the award passed in MCOP.No. 3871 of 2014 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes), Chennai, dated 28.04.2023.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,03,100/- as compensation, directed the 2nd respondent to pay the said amount to the appellant, along with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

3. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the



claimant. He, therefore, prayed for enhancement of compensation.

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5. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

6. The claimant is working as a processing labour in MRF company limited and earning Rs.250/- per day. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.9,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least eight months. Therefore, a sum of Rs.72,000/- (Rs.9,000 x 8 months) is awarded towards loss of income during the period of treatment and recovery. The compensation awarded under the other heads by the Tribunal is confirmed.



7. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	1,05,000	1,05,000
2.	Pain and suffering	50,000	50,000
3.	Loss of earning during treatment	18,000	72,000
4.	Medical Expenses	50,033	50,033
5.	Loss of Amenities	50,000	50,000
6.	Attender Charges	10,000	10,000
7.	Transportation	10,000	10,000
8.	Extra Nourishment	10,000	10,000
	Total	3,03,033	3,57,033
	Rounded off	3,03,100	3,57,100

Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,03,100/- to Rs.3,57,100/-, which shall carry interest at the rate of 7.5% per annum.

8. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



ii. The compensation awarded by the Tribunal is enhanced from Rs.3,03,100/- to Rs.3,57,100/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, United India Insurance Co.Ltd., Chennai-6, is directed to deposit the enhanced compensation amount, i.e., Rs.3,57,100/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 3871 of 2014 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes, Chennai), within a period of eight weeks from the date of receipt or uploading of a copy of this order, in the first instance.

v. On such deposit being made by the 2nd respondent, the appellant/claimant is at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.



vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.The Motor Accidents Claims Tribunal
(II Judge, Court of Small Causes),
Chennai.

2.The United India Ins.Co.Ltd.
Motor III Party Claims Office, No.134,
Greams Road, Chennai 6.

3.The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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