



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.319 of 2023

K. Veeramani

... Appellant

Vs.

1. K. Ramasundar
2. P. Pooni
3. The New India Assurance Co.,Ltd
Motor Third Party Claims Hub,
No.232, Bombau Mutual Building,
6th Floor, NSC Bose Road,
Chennai – 600 001

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amount awarded in M.C.O.P.No.5894 of 2017 dated 28.02.2022 on the file of Motor Accident Claims Tribunal, (III Small Causes Court) Chennai as prayed for with interest and cost.

For Appellant : Mr.K. Varadhakamaraj

For Respondent-3 : Mr.J. Jayaraman



WEB COPY

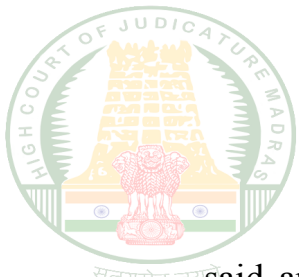
JUDGMENT

The appellant had filed this appeal to enhance the amount awarded in M.C.O.P.No.5894 of 2017 dated 28.02.2022 on the file of Motor Accident Claims Tribunal, (III Small Causes Court) Chennai as prayed for with interest and cost.

2. The brief facts of the case of the appellants/claimants are as follows:

On 10.05.2017 while the appellant was riding his two wheeler bearing Reg.No.TN-19-M-8515 from Padappai to GST road Via Urappakam near Vandalur signal a lorry bearing Reg.No.TN-02-X-5618 came towards North to South direction near Vandalur Signal i.e north East direction in a rash and negligent manner and dashed against the appellant. As a result of which the appellant sustained multiple injuries all over the body. Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.60,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.26,27,250/- as compensation, directed the third respondent to pay the



WEB COPY

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 realisation.

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

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.14,000/- as monthly income of the injured as he was earning Rs.20,250/- per month at the time of accident. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the 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.



WEB COPY

7. Heard both sides and perused the materials available on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.24,99,000/- towards the head loss of earnings; Rs.12,250/- towards Attender charges; Rs.50,000/- each towards Pan and sufferings and loss of amenities; Rs.15,000/- towards Extra Nourishment and Transport; Rs.1,000/- towards Damages to clothes. Thus the total compensation was arrived at Rs.26,27,250/-

9. On going through the amount awarded by the Tribunal, it is seen that Rs. 14,000/- was taken as monthly income of the appellant, but considering the avocation of the injured as well as cost of living during that period, he would be earning Rs.18,000/- per month:

Calculation

Monthly Income = Rs.18,000/-

25% Future Prospects = $18,000 + 4,500 = 22,500/-$

$Rs.22,500 \times 12 \times 14 \times 85/100 = 32,13,000/-$ is arrived towards the head loss of earnings.

Considering the nature of injuries sustained by the appellant this Court is



WEB COPY

inclined to enhance the amount awarded under the following heads:

Attender charges - Rs.25,000/-

Pain and sufferings – Rs.75,000/-

Towards Extra Nourishment and Transport- Rs.20,000/-

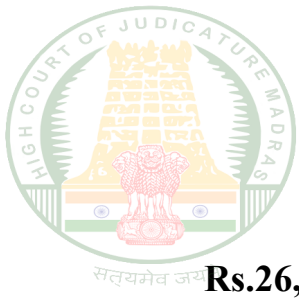
Damages to clothes - Rs.5,000/-.

The amount awarded under the head loss of amenities remains the same.

10. 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.	Loss of earnings	Rs.24,99,000/-	Rs.32,13,000/-
2.	Attender charges	Rs.12,500/-	Rs.25,000/-
3.	Towards pain and sufferings	Rs.50,000/-	Rs.75,000/-
4.	Loss of amenities	Rs.50,000/-	Rs.50,000/
5	Towards Extra Nourishment and Transport	Rs.15,000/-	Rs.20,000/-
6	Damages to clothes	Rs.1,000/-	Rs.5,000/-.
	Total	Rs.26,27,500/-	Rs.33,88,000/-

Thus, the compensation awarded by the Tribunal is enhanced from



WEB COPY

Rs.26,27,500/- to Rs.33,88,000/-, which shall carry interest at the rate of

7.5% per annum.

11. 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.26,27,500/- to Rs.33,88,000/-**.

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 3rd respondent/The New India Assurance Co.,Ltd is directed to deposit the enhanced compensation amount, i.e., **Rs.33,88,000/-**, (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 deposit, to the credit of **M.C.O.P.No.5894 of 2017 dated 28.02.2022 on the file of Motor Accident Claims Tribunal, (III Small Causes Court) Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



WEB COPY

v. On such deposit being made, the appellant/claimant is at liberty

to withdraw the same, 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.

07.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

To

1. The The New India Assurance Co.,Ltd
Motor Third Party Claims Hub,
No.232, Bombau Mutual Building,
6th Floor, NSC Bose Road,
Chennai – 600 001

2. The Motor Accident Claims Tribunal, (III Small Causes Court)
Chennai

3. The Section Officer, V.R. Section, High Court of Madras.



WEB COPY



T.V.THAMILSELVI, J.

smn

C.M.A.No.319 of 2023

07.08.2025