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CMA No. 2871 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2871 of 2024

1. RAJALINGAM

S/o. Late.Mandru No.1/195, Road
Street, Vadaveekam Village, Thandalai
Post, Udaiyarpalayam Taluk, Ariyalur
Dist. 621 803

Appellant(s)

Vs

1. J.Kolanchinathan

S/o. Jayaraman, No. 1/88E Vadaveekam
Village, Thandalai Post,
Udaiyarpalayam Taluk,
Ariyalur Dist. 621 803

2.The Manager

M/s.United India Insurance Co Ltd. No.
134, Silingi Buildings 4th Floor,
Greams Road, Chennai 06.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation in MCOP No. 6208 of 2019 dated 18.06.2024 on the file of the Motor Accidents Claims Tribunal in the II Judge, Court of Small Causes, Chennai.



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For Appellant(s): Mr.R.Mohan Babu

For Respondent(s): Mr.R.Vijaya Kamala For R2
R1 - No Appearance

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP No. 6208 of 2019 dated 18.06.2024 on the file of the Motor Accidents Claims Tribunal in the II Judge, Court of Small Causes, Chennai.

2. The brief facts of the case of the appellant/claimant are as follows:

On 03.11.2019 at about 6.30 hrs, while the petitioner was standing in road on the left side from his destination, at Vedaveekam Village Road, near towards Vadeveekam big street Road bent, at that time a four wheeler namely Tata ace bearing registration No.TN-61-J-0456 came in same road, from West to East direction with rash and negligently and hit against the petitioner. As a result the petitioner had sustained fracture of Right knee as grievous bony injury and injuries to his all over the body. The said accident was caused only by the rash and negligent act of the driver of the 1st respondent Tata Ace bearing



Registration No.TN-61-J-0456. The 1st respondent is the owner of the vehicle and 2nd respondent is the insurer of the vehicle.

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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,79,660/- as compensation, directing 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 realisation.

4. 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.

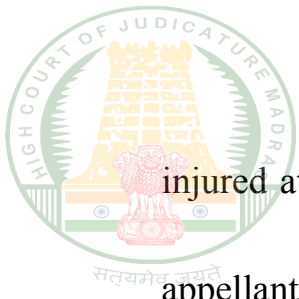
5. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.



6. 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.

7. The Medical Board assessed his partial permanent disability at 24%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (57 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.8,000/- per percentage. Accordingly, a sum of Rs.1,92,000/- (Rs.8,000 x 24%) is awarded towards partial permanent disability.

8. The claimant is working as a farmer and earning Rs.15,000/- per month. 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



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injured at Rs.12,000/- 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 six months. Therefore, a sum of Rs.72,000/- (Rs.12,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Pain and suffering, Transportation and Extra Nourishment are enhanced to Rs.50,000/-, Rs.10,000/- and Rs.15,000/- respectively. The compensation awarded under the other heads by the Tribunal is confirmed.

9. 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 income	20,000	72,000
2.	Pain and suffering	20,000	50,000
3.	Loss of amenities	20,000	20,000
4.	Transportation	2,000	10,000
5.	Extra nourishment	5,000	15,000
6.	Medical Expenses	92,660	92,660
7.	Disability	1,20,000	1,92,000
	Total	2,79,660	4,51,660



Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,79,660/- to Rs.4,51,660/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.2,79,660/- to Rs.4,51,660/-.

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 second respondent, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.4,51,660/- (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. 6208 of 2019 on the file of the Motor Accidents



Claims Tribunal (in the 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.

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.

21-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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2.The Manager
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134, Silingi Buildings 4th Floor,
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3.The Motor Accidents Claims
Tribunal in the II Judge, Court of Small
Causes, Chennai.

4.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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