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CMA No. 2850 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2850 of 2023

1. C. Selvamani

S/o. Chidambaram, No.6A, Bhaktha
Nagar, 1 st Street, Abatharanapuram,
Vadalur, Kurinjipadi Taluk.

Appellant(s)

Vs

1. J. Karthik

S/o. Jayaraman, 16, Anthoniarkoil St,
Kumaragurupallam, Venkata Nagar,
Puducherry.

2.T. Saravanan

170, Chetty St, Puducherry 605 001.

3.Cholamandalam MS Gen.Ins.Co.Ltd.,
Rashmi Towers, II Floor, No.1, Village,
Road, Nungampakkapm, Chennai 34.

Respondent(s)



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PRAYER

To allow the appeal and enhance the compensation in MCOP No.1481 of 2015 dated 31.07.2023 on the file of the Motor Accidents Claims Tribunal Spl Sub Court, Cuddalore.

CMA No. 2850 of 2023

For Appellant(s): Ramya V. Rao

For Respondent(s): M/s. R.Sree Vidhya- For R3 Rr1
And 2 Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in MCOP No.1481 of 2015 dated 31.07.2023 on the file of the Motor Accidents Claims Tribunal Spl Sub Court, Cuddalore.

2. The brief facts of the case:

On 27.02.2015, at about 7.45 p.m, the claimant drove the two wheeler bearing registration number TN 31 AA 0667 in Cuddalore-Viruthachalam main road towards East to West at that time vehicle bearing registration number PY 01 AW 3579 coming from the opposite direction driven by the first respondent



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in a rash and negligent manner dashed against the claimant. Due to which, the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the Motor Accidents Claims Tribunal Spl Sub Court, Cuddalore (in short 'tribunal') claiming compensation of Rs.50,00,000/-. After considering the oral and documentary evidence, the Tribunal awarded a sum of Rs.10,16,421/- as compensation. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the claimant/appellant submits that the claimant sustained 65% permanent disability and taken treatment for more than 65 days in hospital without considering the above the tribunal awarded nothing under the head of temporary loss of income. Hence, he prays to enhance the compensation.

4. The learned counsel for the Insurance company submits that the petitioner is working as a wire man in the Tamil Nadu Electricity Board hence there is no loss of income for the claimant which was rightly appreciated by the tribunal needs no interference.



5. Considering the fact that the claimant had taken inpatient treatment for more than 80 days and drawn salary of Rs.20,130/-. Hence, this Court inclined to award Rs.60,000/- towards loss of income(3x20,000). The compensation awarded by tribunal in other heads remain unchanged. Accordingly, the award passed by the Tribunal is modified as follows:-

S. N o.	Heads	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	For partial permanent disability	Rs.2,60,000/-	Rs.2,60,000/-
2.	For pain and sufferings	Rs.1,00,000/-	Rs.1,00,000/-
3.	For Loss of income	Rs.70,000/-	Rs.70,000/-
4.	Loss of Amenities	Rs.15,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.15,000/-	Rs.15,000/-
6.	Transport charges	Rs.5,000/-	Rs.5,000/-
7.	For Temporary loss of income	Nil	Rs.60,000/-
8.	For Medical Expenses	Rs.5,41,421/-	Rs.5,41,421/-
9.	Future Medical expenses	Rs.10,000/-	Rs.10,000/-
	Total	Rs.10,16,421/-	Rs.10,76,421/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.10,76,421/-. the 3rd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.10,76,421/-



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together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No.1481 of 2015 on

the file of the Motor Accidents Claims Tribunal Spl Sub Court, Cuddalore within a period of six weeks from the date of receipt of copy of this judgment.

On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed

06-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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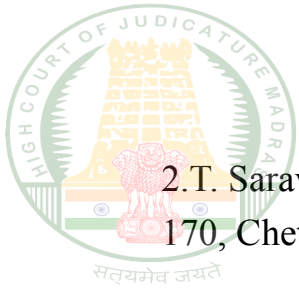
To

1.J. Karthik

S/o. Jayaraman, 16, Anthoniarkoil St,

Kumaragurupallam, Venkata Nagar,

Puducherry.



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2.T. Saravanan

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3.Cholamandalam MS Gen.Ins.Co.Ltd.,
Rashmi Towers, II Floor, No.1, Village,
Road, Nungampakkapm, Chennai 34.

4. The Motor Accidents Claims Tribunal Spl Sub Court, Cuddalore.



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T.V.THAMILSELVI J.
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