



WEB COPY

CMA No. 2863 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2863 of 2024

1. SUGUMAR

S/o. Perumal, Jeganathapuram Village,
Alapakkam Post, Tindivanam Taluk.

Appellant(s)

Vs

1. Kamalakannan

S/o. Sakarayutham, Old No.54, New
No.4, North Boag Road, T.Nagar,
Chennai-17.

2.The Branch Manager

United India Insurance Co. Ltd,
No.35,36, and 37, A.R.Plaza, 45-Feet
Road, Balaji Nagar, Pondicherry. (The
Respondent-1 remained exparte before
the tribunal, Hence Notice may be
dispensed with for R1 in this appeal)

Respondent(s)

PRAYER

To enhancement of compensation in the judgment and decree dt. 28.09.2022 made in MCOP No.1796/2019, on the file of Motor Accident Claims Tribunal Tindivanam

For Appellant(s): Ma.P.Thangavel

For Respondent(s): Mr.D.Bhaskaran, Learned



Counsel Accepts Notice For R2
(in Sr Stage)

R-1 Notice Dispense With

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant(s).

2. It is brought to the notice of this Court that some error has been crept in paragraph Nos.6 & 7 of the Judgement dated 05.08.2025. The said paragraph Nos.6 & 7 are to be replaced as follows:

" 6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.1,00,000/-	Rs. 1,00,000/-
2.	Loss of Income	Rs.63,000/-	Rs.75,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.10,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.36,000/-	Rs.36,000/-
7.	Damages to cloths and article	Rs.2,000/-	Rs.5,000/-
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.2,25,000/-	Rs.3,60,000/-
10	Total	Rs.4,46,000/-	Rs.6,06,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 6,06,000/-**. The 2nd



respondent is directed to deposit the said amount 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.1796/2019, on the file of Motor Accident Claims Tribunal Tindivanam, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s). Further, the interest for the default period is ordered to be waived. ”

3. Registry is directed to incorporate the above paragraph Nos.6 & 7 quoted above and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 05.08.2025 shall remain unaltered.

17-09-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
rri



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1. The Motor Accident Claims Tribunal
Tindivanam.
2. The Section officer, V.R Section,
High Court, Madras.
3. The Branch Manager
United India Insurance Co. Ltd,
No.35,36, and 37, A.R.Plaza, 45-Foot
Road, Balaji Nagar, Pondicherry. (The
Respondent-1 remained exparte before
the tribunal, Hence Notice may be
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T.V.THAMILSELVI J.
rri

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dispensed with for R1 in this appeal)

Respondent(s)

CMA No. 2863 of 2024

PRAYER

To enhancement of compensation in the judgment and decree dated 28.09.2022 made in MCOP No.1796/2019, on the file of Motor Accident Claims Tribunal Tindivanam

CMA No. 2863 of 2024

For Appellant(s): Mr.Ma.P.Thangavel

For Respondent(s): Mr.D.Bhaskaran For R2
R-1 Notice Dispense With



JUDGEMENT

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This Civil Miscellaneous Appeal has been filed for enhancement of compensation in the judgment and decree dated 28.09.2022 made in MCOP No.1796/2019, on the file of Motor Accident Claims Tribunal Tindivanam.

2. On 09.03.2018, at about 03.00 p.m., the petitioner travelling as pillion rider in the motorcycle bearing registration No. TN 57 V 7365 in the Tindivanam - Pandi Road, when its passed through Menakshi Theater the motorcycle bearing registration No. TN 09 CT 9668 driven by its rider in a rash and negligent manner dashed against the petitioner, due to which he sustained injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent Insurance Company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation of Rs.4,46,000/-. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that the petitioner was referred to medical board, it certified that 45% disability but instead of adopting multiplier method the tribunal adopted per percentage method. Further, the petitioner was mason but the Tribunal awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.



5. Considering the cost of living at the time of accident, this Court is inclined to fix Rs. 8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.3,60,000/- under the head of disability. Further, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.75,000/- under the head of loss of income for five months. The claimant has sustained multiple injuries hence he requires extra nourishment. Hence, this Court is inclined to enhance the amount awarded under the head of extra nourishment from Rs.10,000/- to Rs.15,000/- and also for transportation expenses from Rs.10,000/- to Rs.15,000/-. Further, this Court is inclined to enhance the amount awarded under the head of loss of cloth from Rs.2,000/- to Rs.5,000/-. Except above modification, the award passed by the tribunal is remain unchanged.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.1,00,000/-	Rs. 1,00,000/-
2.	Loss of Income	Rs.63,000/-	Rs.75,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.10,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.36,000/-	Rs.36,000/-
7.	Damages to cloths and article	Rs.2,000/-	Rs.5,000/-
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.2,25,000/-	Rs.3,60,000/-
10	Total	Rs.4,46,000/-	Rs.5,82,000/-



7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 5,82,000/-**. The 2nd **respondent** is directed to deposit the said amount 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.1796/2019, on the file of Motor Accident Claims Tribunal Tindivanam, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s). Further, the interest for the default period is ordered to be waived.

8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

05-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal Tindivanam.

2. The Section officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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