



C.M.A.No.2945 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.2945 of 2025

Muthuvel

... Appellant

Versus

1.Palanisamy
2.The National Insurance Company,
2nd Floor, Balaji Towers, No.11
Ramakrishna road, Salem District.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.444 of 2024, dated 21.03.2025, on the file of the Motor Accident Claims Tribunal/ Special Sub-Court No.II, Salem.

For Appellants : Mr.C.Paraneedharan

For Respondent : Mr.S.Senthil Kumar for R2

JUDGMENT



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This appeal is directed as against the award of the Motor Accident Claims Tribunal/Special Sub-Court No.II, Salem. in M.C.O.P.No.444 of 2024, dated 21.03.2025.

2.Briefly stated, on 06.01.2022, the petitioner Muthuvel was travelling in a lorry bearing Reg.No.TN -24 M-7411 (Ashok Leyland Lorry), from Pune with Rava load to Dindigul, which was driven by his driver in a rash and negligent manner, due to which the lorry was capsized, causing the accident. The petitioner suffered grievous injuries in the said accident. Due to injuries sustained in the accident, he suffered permanent disablement despite the best treatment given to him.

3.On the aforesaid grounds, the appellant filed a claim petition before the Claims Tribunal claiming compensation for loss caused to him. He claimed amounts under different heads and in all, claimed a total sum of Rs.25,00,000/- as compensation. His claim was opposed by the 2nd respondent/Insurance Company. The learned Tribunal, after trying the issues partly allowed the claim of the appellant and awarded a sum of Rs.4,06,500/- as compensation. Feeling the sum awarded to him was insufficient, this Appeal under Section 173 of the Motor Vehicles Act, has been filed by the appellant/claimant.



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4.The learned counsel for the 2nd respondent/Insurance Company has submitted that the appellant is an unauthorized passenger in a goods vehicle and therefore, the 1st respondent/owner is not liable to pay any compensation to him. He further submits that the Tribunal has awarded just compensation which warrants any interference by this Court.

5.The findings of the learned Tribunal regarding the involvement of vehicle, the negligence of the appellant/claimant of the vehicle and the appellant having sustained injuries which ultimately resulted in permanent disablement are against the respondents. Respondents have not filed any appeal against these findings. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appears to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere in the aforesaid findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

6.Now, the question arises as to whether the appellant is entitled to get any sum as compensation in addition to what has already been awarded by the learned Tribunal.



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7.Considering the age and nature of injury sustained by the appellant/claimant, due to the disablement, he might suffer some financial loss as he would not be able to do the driving work as efficiently as he might have performed. Therefore, under the head of Pain and Sufferings, the award amount is enhanced to Rs.1,00,000/- and under the head of loss of income for six months, the award amount is enhanced to Rs.90,000/-.

8.In view of the above and in the facts and circumstances of the case, it would be proper to award just compensation to the appellant/claimant which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability (10%)	1,00,000	1,00,000	Confirmed
2.	Pain and Sufferings	25,000	1,00,000	Enhanced
3.	Loss of Amenities	10,000	10,000	Confirmed
4.	Loss of Income	45,000	90,000 (15000 x 6)	Enhanced
5.	Medical Bills	2,02,500	2,02,500	Confirmed
6.	Extra Nourishment	10,000	10,000	Confirmed
7.	Attender Charges	8,000	8,000	Confirmed
8.	Transportation	5,000	5,000	Confirmed
9.	Damage to Cloth	1,000	1,000	Confirmed



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	Total	Rs.4,06,500	Rs.5,26,500	Enhanced by Rs.1,20,000/-
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9.Hence, this appeal is partly allowed. No costs.

(i) the amount awarded by the Tribunal is enhanced hereby to Rs.5,26,500/-.

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

- i. The second respondent/ National Insurance Company Limited, Salem, is directed to deposit the enhanced compensation amount of Rs.5,26,500/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.444 of 2024 of on the file of the Special Sub-Court No.II, Salem, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order.
- ii. The appellant/claimant is not entitled to claim any interest for the delay period.
- iii. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.



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vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The Special Sub-Court No.II, Salem
The Motor Vehicle Accident Tribunal,
Omalur.

2.The Section Officer,
VR Section, High Court, Madras.



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