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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1886 of 2024

Suguna

... Appellant

Vs.

1.Dhandapani

2.The Divisional Manager,
New India Assurance Company Ltd.,
No.1, Officer's Line
Vellore -1

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the Decree and Judgment dated 21.04.2022 made in M.A.C.T.O.P.No.431 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai and pass orders.

For Appellant : Mr.P. Terry Chellaraha
For Respondent : Mr.K.J. Sivakumar



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JUDGMENT

The appellant had filed this appeal against the Decree and Judgment dated 21.04.2022 made in M.A.C.T.O.P.No.431 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai .

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

On 21.05.2018 at about 11.00 a.m when the appellant along with the one Balakrishanan was proceeding in a two wheeler from Amaranathapudhur towards Chengam a car bearing Registration No. TN-57-W-8806 came in the back side direction from Polur towards chengam and dashed against the two wheeler. The driver of the car is solely responsible for the cause of the accident. Due to the said accident the appellant sustained injuries. Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.50,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.6,66,016/- as compensation, directed the second respondent to pay



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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 appellants (claimants) have 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.7,500/- as monthly income of the injured as he was earning Rs.20,000/- per month at the time of accident. Hence prays to enhance the compensation by allowing this petition.

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. Heard both sides and perused the materials available on record



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8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.4,72,500/- towards loss of Functional Disability; Rs.50,000/- towards pain and sufferings; Rs.25,000/- towards Extra Nourishment; Rs.18,516/- towards Medical Expenses; Rs.25,000/- towards Attender charges; Rs.25,000/- towards Transportation charges and Rs.50,000/- towards loss of amenities. Thus the total compensation comes to Rs.6,66,016/-

9. Considering the occupation of the injured it would be just and appropriate to fix Rs.12,000/- as his monthly income As per the dictum laid by the Hon'ble Supreme Court 40% is to be added towards future prospects and the proper multiplier to be adopted in the instance case is 15

Calculation

Monthly income = Rs.12,000/-

40% Future Prospects = $12,000 + 4,800 = 16,800/-$



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Loss of functional disability

$$= \text{Rs. } 16,800 \times 12 \times 15 \times 25/100$$

$$= \text{Rs. } 7,56,000/-.$$

The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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 Income	4,72,500/-	Rs.7,56,000/-.
2.	Pain and sufferings	Rs.50,000/-	Rs.50,000/-
3.	Extra Nourishment	Rs.25,000/-	Rs.25,000/-
4.	Medical Expenses	Rs.18,516/-	Rs.18,516/-
5.	Attender charges	Rs.25,000/-	Rs.25,000/-
6.	Transportation charges	Rs.25,000/-	Rs.25,000/-
7.	Loss of amenities	50,000/-	50,000/-
	Total	Rs.6,66,016/-	Rs.9,49,516/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.6,66,016/ to Rs.9,49,516/-**, which shall carry interest at the rate of 7.5% per annum.



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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.6,66,016/ to Rs.9,49,516/-**.

iii. The appellants/claimants are 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/New India Assurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs.9,49,516/-**, (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.A.C.T.O.P.No.431 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



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v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same as per the ratio of apportionment fixed by the Tribunal, 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.

13.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

smn

To

1. The Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

2. The Divisional Manager,
New India Assurance Company Ltd.,
No.1, Officer's Line
Vellore -1

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

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T.V.THAMILSELVI, J.

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