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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.222 of 2025

S. Rubakumaran

... Appellant

Vs.

1. B. Chandran

2.The Divisional Manager,
The New India Assurance Company Ltd.,
Kancheepuram Division, Nadu Street,
Sheikpet, Kancheepuram Town & Taluk and District

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this Civil Miscellaneous appeal by enhancing the award passed by the Tribunal (Additional Subordinate Judge Chengalpattu) in MCOP No.31/2010 dated 24.04.2023 and pass orders.

For Appellant : Mr.S. Udhaya Kumar
For Respondent-1 : No appearance
For Respondent-2 : Mr.J. Chandran



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JUDGMENT

The appellant had filed this appeal to allow this Civil Miscellaneous appeal by enhancing the award passed by the Tribunal (Additional Subordinate Judge Chengalpattu) in MCOP No.31/2010 dated 24.04.2023 and pass orders.

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

On 24.10.2007, when the appellant was proceeding in a bicycle on Chengalpattu Gandhi Salai a lorry bearing Reg.No.TN-21-K-4937 came in a opposite direction in a high speed and dashed against the appellant. As a result of which the appellant sustained grievous injuries . Hence, the appellant filed a claim petition before the Tribunal seeking compensation for a sum of Rs.16,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.5,37,450/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per



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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) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal has adopted percentage method to arrive compensation, rather it ought to have adopted multiplier method. He further submitted that the amount awarded under all the heads are very low. 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 MrS. Udhaya Kumar, learned counsel for the appellant and Mr. J. Chandran learned counsel for the second respondent.



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8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.10,000/- towards transport to hospital; Rs.25,000/- towards extra nourishment; Rs.3,29,448/- towards medical expenses; Rs.1,56,000/- towards pain and sufferings; Rs.15,000/- towards attender charges; Rs.2,000/- towards damages to clothes and articles. Thus the total compensation was arrived at Rs.5,37,450/-. It is pertinent to note that a sum of Rs.1,56,000/- awarded under the head pain and sufferings is incorrect, rather the said amount should be awarded under the head disability. Further the amount awarded under the head Transport and Damages to clothes and articles needs to be enhanced.

9. The amount awarded under the head pain and suffering is modified as Disability and Rs.50,000/- is awarded under the head pain and sufferings; Transport to Hospital is enhanced to Rs.15,000/- from Rs.10,000/-; Attender charges is enhanced to Rs.20,000/- from Rs.15,000/-. 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.	Transport to Hospital	10,000/-	15,000/-
2.	Extra Nourishment	25,000/-	25,000/-
3.	Medical Expenses	3,29,448/-	3,29,448/-
4.	Pain and sufferings (Rs.5,000x 5%) Modified as Disability	1,56,000/-	1,56,000/-
5	Pain and sufferings	50,000/-	50,000/-
5	Attender Charges	15,000/-	20,000/-
6.	Transportation	5,000/-	10,000/-
7.	Damages to clothes and articles	2,000/-	2,000/-
	Total	Rs.5,37,450/-	Rs.6,07,448/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.5,37,450 /- to Rs.6,07,448 /-**, which shall carry interest at the rate of 7.5% per annum.



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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.5,37,450 /- to Rs.6,07,448-.**

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/The New India Assurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs.6,07,448 /-**, (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 MCOP No.31 of 2010 on the file of Additional Subordinate Judge Chengalpattu, 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, 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.

01.08.2025

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

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To

1. The Motor Accidents Claims Tribunal,
Additional Subordinate Judge Chengalpattu
2. The Divisional Manager,
The New India Assurance Company Ltd.,
Kancheepuram Division, Nadu Street,
Sheikpet, Kancheepuram Town & Taluk and District
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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