



CMA.No.13 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CMA.No.13 of 2025

M.Revanth Kumar

...Appellant

Vs.

1. M/s.Sun-X-Concrete India Private Limited,
No.5, Ramesh Nagar, 3rd Street,
West Tambaram, Chennai – 600 045.
2. The United India Insurance Company Ltd.,
Silingai Building, No.134,
Greens Road, Chennai – 600 006.

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, as against the order dated 04.03.2024 made in MCOP.No.999 of 2023 on the file of the learned Motor Accident Claims Tribunal, V Small Causes Court, Chennai.

For Appellant : Mr.S.Ravikumar

For Respondents : Mr.J.Chandran, for R2
: Notice Dispensed with, for R1



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JUDGEMENT

Challenging the judgment and decree dated 04.03.2024 made in MCOP.No.999 of 2023 on the file of the Motor Accident Claims Tribunal, V Small Causes Court, Chennai, the claimant is before this Court.

2. Mr.J.Chandran, learned counsel takes notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this appeal is taken up for final disposal at the admission stage itself.

3. It is the case of the appellant/claimant that, on 20.12.2022 at about 19.30 hours, when he was riding the motor cycle bearing Regn.No.TN-02-AZ-5551 in Poonamallee High Road, Chennai, at that time, a van bearing Regn.No.TN-11-AS-8415 owned by the 1st respondent insured with the 2nd respondent driven by its driver in a rash and negligent manner came in the same direction and hit the motor cycle driven by the appellant, due to which the appellant sustained grievous injuries and got admitted in the hospital. Thereby, the appellant filed a claim petition seeking compensation of



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Rs.20,00,000/-. Before the tribunal, the claimant examined himself as P.W.1 and marked exhibits P.1 to P.11 and on the side of respondents no documents were marked and no witness was examined and the Disability Certificate was marked as Court document Ex.C.1. After trial, the Tribunal, on appreciation of oral and documentary evidence, awarded a meagre compensation of Rs.2,06,000/- in favour of the appellant. Challenging the same, the appellant has filed the present appeal seeking enhancement of compensation.

4. Learned counsel appearing for the appellant submitted that, at the time of accident, the appellant was driving the vehicle slowly and diligently and the above said accident occurred solely due to the rash and negligent driving on the part of the driver of the 1st respondent vehicle, due to which, the appellant sustained left leg both bone fracture and multiple grievous injuries all over his body and due to the injuries sustained by him at the time of the above said accident, the appellant is unable to continue his avocation which he was carrying on before the accident and, the medical board assessed a permanent disability of 15%. However, instead of adopting multiplier method,



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the tribunal had adopted percentage method and awarded a meagre compensation under the head Disability and the compensation awarded under other heads are also on lower side and the same has to necessarily be enhanced. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel appearing for the 2nd respondent/ Insurance Company submitted that, by considering all the relevant documents, the Tribunal has rightly awarded the compensation, which does not require any enhancement. Accordingly, he prayed for dismissal of the appeal.

6. Heard the learned counsel on either side and perused the materials available on record.

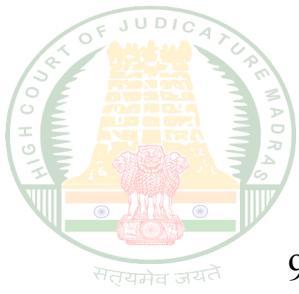
7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. The major grievance of the Appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that, the accident is of the year 2022, however, the Tribunal had erroneously taken only a sum of



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Rs.5,000/- per percentage of disability. In this regard, this Court perused Ex.C.1, which is the disability certificate issued by the Medical Board and the same reveals that the appellant suffered disability of 15% and by erroneously adopting a sum of Rs.5,000/- per percentage of disability, the tribunal awarded a sum of Rs.75,000/-. However, as per the existing law at the relevant point of time, the Tribunal ought to have fixed a sum of Rs.10,000/- per percentage of disability. Hence, the amount under the head Disability stands enhanced to a sum of Rs.1,50,000/- ($15\% \times \text{Rs.}10,000/- = \text{Rs.}1,50,000/-$).

8. Insofar as the compensation awarded under other heads are concerned, the tribunal had awarded a sum of Rs.20,000/-, Rs.20,000/-, and Rs.5,000/- under the heads Pain and suffering, Nutrition Expenses and Attender charges respectively, which are on the lower side and thereby, this Court is inclined to enhance the same to Rs.50,000/-, Rs.30,000/- and Rs.10,000/ respectively. Further, a sum of Rs.20,000/- and Rs.25,000/- have been awarded under the heads Mental agony and Loss of amenities, which is not sustainable and thereby, the same is rejected.



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9. In view of the above, the compensation awarded by the Tribunal is modified as under :-

Heads	Awarded by the Tribunal (Amount in Rs.)	Awarded by this Court (Amount in Rs.)
Disability	75,000/-	1,50,000/-
Medical expenses	-	-
Loss of income	30,000/-	30,000/-
Pain and sufferings	20,000/-	50,000/-
Mental agony	20,000/-	-
Transportation expenses	10,000/-	10,000/-
Nutrition expenses	20,000/-	30,000/-
Damages to clothes	1,000/-	1,000/-
Attender charges	5,000/-	10,000/-
Loss of amenities	25,000/-	-
Total	2,06,000/-	2,81,000/-

10. Accordingly, the appeal is allowed in part and the impugned award of the Tribunal is modified by enhancing the compensation amount from **Rs.2,06,000/- to Rs.2,81,000/-**. The 2nd respondent/Insurance Company is directed to deposit the said amount to the credit of MCOP.No.999 of 2023



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along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of four (4) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the said amount directly to the bank account of the Appellant through RTGS within a period of two (2) weeks thereafter, upon production of proof with regard to payment of Court fee on the enhanced compensation by the appellant. It is underscored that the appellant is not entitled to any interest for the default period, if any. No Costs.

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Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes / No

To

1. The Motor Accident Claims Tribunal, V Small Causes Court,
Chennai.

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

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M.DHANDAPANI, J.

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