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CMA No. 2209 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2209 of 2025

1. JEEVAGAN

S/o. Muthu, rep.by his next friend /
guardian /wife Rathika, D.No.87/79,
Varatharajan puram, Teynampet,
Chennai - 600 018.

Appellant(s)

Vs

1. SIVABAKKIAM

W/o. K.P. Natarajan, Res. ate
Chikkabajane, Mandira Street,
Sarjapura Post, Anekal Taluk,
Bangalore District - 562 102.

2.United India Insurance Co. Ltd.,
Junction Main Road, Salem District.

3.United India Insurance Co. Ltd.,
1170, Muthiah Complex, Mettur Road,
Erode Distirct - 638 011.

4.Venkatasubramanian

S/o. Venkatachalam, AFI, KVB Staff



Quarters, Gayathiru Nilayam, 106, Luz
Church Road, Mylapore, Chennai
District - 600 004.

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5. United India Insurance Co. Ltd.,
1170, Muthiah Complex, Mettur Road,
Erode District 638 011.

Respondent(s)

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PRAYER

To allow the above CMA and enhance the award in the order dated 17.08.2023 made in MCOP No.79 of 2018, on the file of the Special District Judge (To deal with MCOP Cases) Erode.

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For Appellant(s): Mr. C. Paraneedharan I

For Respondent(s): Ms. I. Malar For Rr 2, 3 and 5

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award in the order dated 17.08.2023 made in MCOP No.79 of 2018, on the file of the Special District Judge (To deal with MCOP Cases) Erode.

2. On 14.05.2017 at about 02.00 a.m the petitioner's husband was driving the Maruti Suzuki Car bearing registration No. TN 47 AH 0142 in Chennai to Salem National High way and proceeding from Chennai to Salem. When he was



nearing Thennangudipalayam at Attur, Ramas Cafe Hotel, the driver of the KPN

Omni Bus bearing registration No. KA51 B 4009 was driving the same from the

opposite direction in a rash and negligent manner dashed against the car driver

by the petitioner's husband due to which he sustained injuries. Thereafter, the

claimant filed the petition before the tribunal claiming compensation, on the

other side 3rd and 5th respondent contested the case. After considering the oral

and documentary evidence, the tribunal awarded compensation. Challenging the

quantum of compensation the claimants filed this appeal.

3. The learned counsel for the appellant submits that the claimant has sustained grievous injuries and medical board has assessed 53.8% disability and the same was proved by examining the doctor/P.W.4 but the tribunal has taken only 20% disability. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondents 2, 3 & 5 submits that claimant has sustained 20% functional disability hence, the tribunal has rightly taken 20% disability which needs no interference.

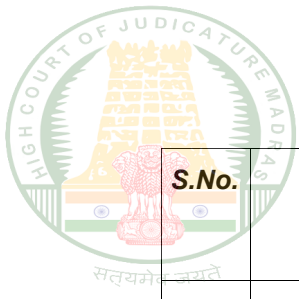
5. Considering the fact that the accident was happened in the year 2017 and the claimant is driver. Further, the medical board has assessed 53.8%



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disability but the tribunal has fixed only 20% disability and to prove the same the claimant has marked the disability certificate as Ex.C1 and the doctor who treated the claimant was examined as P.W.4. Therefore this Court is inclined to fix 40% disability. Further, the claimant was driver hence, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs. 16,12,800/- $(15,000 + 6000 \times 12 \times 16 \times 40 / 100)$ under the head of disability. Further the loss of amenities awarded by the tribunal is unwarranted and this Court is inclined to reduce the amount awarded under the head of attender charges and extra nourishment from Rs.1,00,000/- to Rs.55,000/- and the claimant has sustained grievous injuries he would have suffered lot of pain. Hence, this Court is inclined to fix Rs.1,00,000/- under the head of pains and sufferings. Except above modification, the award passed by the tribunal in other heads 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.90,000/-	Rs.1,00,000/-
2.	Loss of Income	Nil	Nil
3.	Medical Expenses	Rs.10,13,677/-	Rs.10,13,677/-
4.	Transportation expenses	Rs.25,000/-	Rs.25,000/-
5.	Extra Nourishment and Attender charges	Rs.1,00,000/-	Rs.55,000/-
6.	Future medical expenses	Rs.62,500/-	Rs.62,500/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.1,00,000/-	Nil
9.	For permanent disability	Rs.4,83,840/-	Rs.16,12,800/-
10	Total	Rs.18,75,017/-	Rs.28,68,977/- Rounded off to Rs.28,69,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 28,69,000/-**. The 2 & 3 respondents are 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.79 of 2018, on the file of the Special District Judge (To deal with MCOP Cases) Erode, 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. The respondent may deduct the amount, if any excessive amount has



already been deposited before the tribunal.

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special District Judge (To deal with MCOP Cases) Erode.

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



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T.V.THAMILSELVI J.
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