



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2186 of 2025

C.Sethamil Selvan

Appellant

Vs

1. S.Ramalingam

2.United India Insurance Co. Ltd.
No.134, Greams Road, Sillingi
Building, 4th Floor, Chennai-600006

3.The Managing Director
Tamil Nadu State Transport
Corporation Ltd., Villupuram Division,
Vellore-632009

Respondents

PRAYER:-Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the amount awarded in MCOP.No.6270/2017 dated 04-11-2022 on the file of Motor Accident Claims Tribunal(IV Small Causes Court), Chennai



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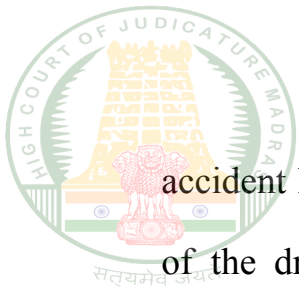
For Appellant: Mr.K.Varadha Kamaraj

For Respondents: Mrs.C.Harini For
M/s. M.B. Gopalan Associates For R2**JUDGMENT**

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.6270 of 2017, dated 04.11.2022 has preferred this appeal seeking for enhancement of compensation.

2. The case of appellant/petitioner is that on 19.09.2017 at about 22.15 hrs., when the petitioner was travelling as a passenger in a bus bearing Regn. No. TN-23 N-2056 from Vandalur towards Vanamdevi Velloure to Kumbakonam Main road, near Pennalure petrol bunk, at that time, the 1st respondent vehicle bearing Regn. No. TN-60-E-8381, which came from the opposite direction in a rash and negligent manner, dashed against the petitioner travelling passenger bus and caused an accident. Due to which, the petitioner sustained multiple and grievous injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.30,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the



accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the

Tribunal fixed the total compensation payable at Rs.2,13,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	90,000
2.	Medical expenses	3,203
3.	Loss of income	21,000
4.	Pain and sufferings	20,000
5.	Transportation expenses	10,000
6.	Nutrition expenses	10,000
7.	Damages to cloths	1,000
8.	Attender charges	22,500
9.	Loss of amenities	25,000
10.	Mental agony	10,000
	Total compensation awarded (by adding Sl. Nos. 1 to 10)	2,12,703 Rounded off 2,13,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



6. The learned counsel for appellant would submit that at the time of accident, he was aged about 26 years and though the accident was happened in the year 2017, the tribunal had fixed only a sum of Rs.5000/- per percentage of disability. He would also submit that the appellant is working as a salesman, thereby he had earned a sum of Rs.15,000/- per month, but the tribunal had fixed his notional income as Rs.10,500/- per month. He would further submit that he took treatment for more than 45 days as inpatient, but the tribunal has taken only two months for loss of income. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that the accident was happened in the year 2017 and he had sustained 18% of disability, for which the tribunal has rightly awarded a sum of Rs.5000/- towards per percentage of disability. He would also submit that he is working as a salesman, and earned a sum of Rs.15,000/-, so on considering his salary certificate, the learned Tribunal rightly fixed his monthly income as Rs.10,500/-, which needs no interference of this court. He would also submit that on considering the injuries as well as treatment period, the learned Tribunal rightly fixed two months for loss of income, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.



9. Considering both side submissions, the fact reveals that admittedly, his disability is restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right, so the medical board assessed his disability as 18%, for which the tribunal has awarded only a sum of Rs.5000/- per percentage. But, on considering the petitioner's age of 26 years and the fact that the accident was happened in the year 2017 and also the fact that the appellant had sustained restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right and also the fact that the medical board had assessed his disability as 18%, this court is inclined to enhance the sum awarded from Rs.5000/- to Rs.7000/- towards percentage of disability.

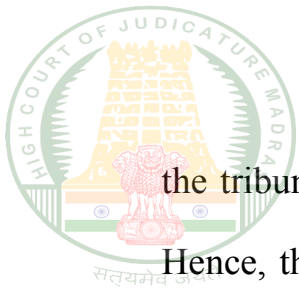
10. Furthermore, on perusal of award, it reveals that due to the injuries sustained in the accident, the appellant had sustained restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right, as a result of which, he was not able to move outside and nearly about six months, he was not able to attend his avocation. However, by relying the discharge summary, the learned counsel for 2nd respondent would also submit that only 45 days, he is in hospital, but on seeing the grievous injury as well as considering his disability of restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right, this Court is inclined to modify the period for loss of income as six months. On further perusal of



record, the fact reveals that he was working as a Salesman, thereby he had earned a sum of Rs.15,000/-, but without considering the same, the tribunal had arrived the notional monthly income as Rs.10,500/-. However, on perusal of evidence of employer of petitioner, who was examined as P.W.2 and salary certificate was marked under Ex.P14, the fact reveals that he had earned a sum of Rs.15000/- per month. Considering the same as well as considering the cost of living at that time, this court is inclined to enhance the sum awarded towards notional monthly income from Rs.10,500/- to Rs.15,000/-.

11. On perusal of discharge summary, the fact reveals that he had sustained restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right, for which he took treatment as inpatient for more than 45 days in hospital, due to which he had sustained severe pain and he is unable to do his work as before. Therefore, this Court is inclined to enhance the sum awarded towards pain and sufferings from Rs.20,000/- to Rs.50,000/-.

12. As he had suffered with restriction of elbow movements on right/fracture on both bone leg on right/fracture humerus elbow on right, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. Considering the fact that in the accident, his cloths were damaged, for which,



the tribunal has awarded only a sum of Rs.1,000/-, which is very meagre one.

Hence, this court is inclined to enhance the sum awarded towards damages to cloths from Rs.1,000/- to Rs.2,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

13.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Disability (Rs.7000 x 18%)	90,000	1,26,000	enhanced
2.	Medical expenses	3,203	3,203	confirmed
3.	Loss of income (Rs.15,000/- x 6)	21,000	90,000	enhanced
4.	Pain and sufferings	20,000	50,000	enhanced
5.	Nutrition expenses	10,000	15,000	enhanced
6.	Damages to cloths	1,000	2,000	enhanced
7.	Attender charges	22,500	22,500	confirmed
8.	Loss of amenities	25,000	25,000	confirmed
9.	Mental agony	10,000	10,000	confirmed
	Total	2,12,703	3,43,703	enhanced
	Rounded off	2,13,000	3,43,710	

14.The compensation awarded by the tribunal at Rs.2,13,000/- is enhanced to Rs.3,43,710/-. The 2nd respondent insurance company is directed to



deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment.

On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Accordingly, the interest for default period is ordered to be waived.

15. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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