



C.M.A.No.195 of 2025

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M.DHANDAPANI, J.

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the Registry.

2. It is brought to the notice of this Court by the Registry that, in paragraph No.11 of the order dated 28.01.2025 passed in C.M.A.No.195 of 2025, this Court has directed the second respondent to deposit the compensation amount to the credit of M.C.O.P.No.7417 of 2017, however, it has been erroneously typed as M.C.O.P.No.7417 of 2021 and therefore, seeks appropriate directions.

3. In view of the above, Paragraph 11 of the order dated 28.01.2025 is recalled and shall stand replaced with the following paragraph:

*“ 11. Accordingly, this appeal is partly allowed and the compensation amount by the Tribunal is enhanced from Rs.4,05,000/- to **Rs.5,45,000/-**. The second respondent/insurance company is directed to deposit the compensation amount, awarded by this Court above, to the credit of M.C.O.P.No.7417 of 2017 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,*



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less the amount, if any already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the appellant/claimant through RTGS within a period of two weeks thereafter, upon production of proof with regard to payment of Court fee on the enhanced compensation. The appellant is directed to pay necessary additional Court fee on the enhanced compensation amount. It is underscored that the appellant is not entitled for any interest for the default period if any. There shall be no order as to costs in the present appeal.”

4. All the other observations made in the earlier order dated 28.01.2025 shall remain intact.

5. Registry is directed to carry out the necessary correction as aforesaid in the order dated 28.01.2025 and issue fresh copy of the order to the learned counsel for the parties.

13.03.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS



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DATED : 28.01.2025

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CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.195 of 2025

A.Karupaiya

... Appellant/Petitioner

Vs.

1. P.Arumugam
2. TATA AIG Insurance Co.Ltd.,
No.1, Ethiraj Salai, Egmore,
Chennai – 8.

... Respondents

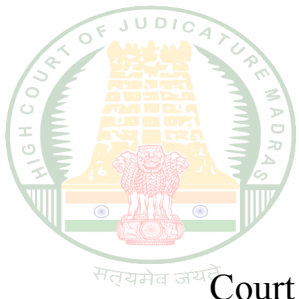
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 06.06.2024 passed in M.C.O.P.No.7417 of 2017 by the Motor Accident Claims Tribunal / III Court of small causes, Chennai.

For Appellant : Mrs.Ramya.V.Rao

For Respondent : Notice Dispensed with for R1
Mr.J.Michael Visuvasam for R2

JUDGMENT

The above appeal is filed by the petitioner/claimant seeking to set aside the Judgment and Decree dated 06.06.2024 passed in M.C.O.P.No.7417 of 2017 by the Motor Accident Claims Tribunal / III



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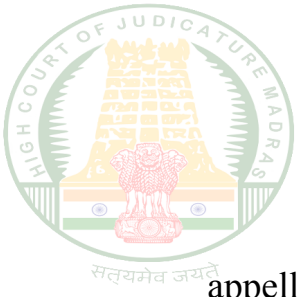
Court of small causes, Chennai.

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2. In view of the order being passed, notice to the first respondent is dispensed with.

3. It is the case of the appellant that, on 07.05.2017 at about 6.30 p.m. when the appellant was walking on the left side of the road, at that time an Auto bearing Regn.No.TN 07 AM 7720 belonging to the first respondent driven by its driver came in a rash and negligent manner and dashed the appellant, thereby, the appellant fell down and sustained grievous injuries all over the body. Therefore, the appellant had filed a claim petition claiming a sum of Rs.15,00,000/- for the injuries sustained by him in the said accident.

4. Before the Tribunal, the appellant had examined himself as P.W.1 and marked Exhibits P.1 to Ex.P.12. On the side of the respondents, they examined R.W.1 and R.W.2 and marked Exs.R1 and R2 and Court document was marked as Ex.C1. After adjudication, the Tribunal awarded a sum of Rs.4,05,000/- as compensation to the



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appellant. Not satisfied with the same, the appellant has preferred the present appeal seeking enhancement.

5. The learned counsel appearing for the appellant submitted that, admittedly, the above said accident occurred solely due to the rash and negligent driving of the driver of the 1st respondent's Auto, due to which, the appellant sustained grievous injuries all over his body and the medical board assessed a permanent disability of 35%. Though the accident is of the year 2017, the tribunal had taken only a sum of Rs.5,000/- per percentage instead of Rs.7,000/-, which is not sustainable and the compensation awarded under the other heads are also on lower side and the same has to necessarily be enhanced. Accordingly, she prayed for passing appropriate orders.

6. The learned counsel appearing for the second respondent submitted that, after taking into consideration the injury suffered by the claimant, the Tribunal has rightly awarded the compensation of Rs.4,05,000/-, which does not require any enhancement. Further, he submits that the other heads awarded by the Tribunal below is just and



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reasonable for the injuries sustained by the claimant. Accordingly, he prays for dismissal of the appeal.

7. Heard the learned counsel appearing for the appellant and the learned counsel appearing on behalf of the second respondent and perused the materials available on record.

8. 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 grievances of the Appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that though the accident is of the year 2017, however, the Tribunal had taken had erroneously taken a sum of 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 35% and by erroneously adopting a sum of Rs.5,000/- per percentage of disability, the tribunal awarded a sum of Rs.1,75,000/-. However, as per the existing law at the relevant point of time, the Tribunal ought to have fixed a sum of Rs.7,000/- per



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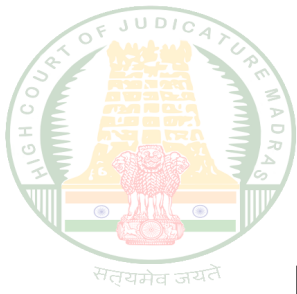
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percentage of disability. Hence, the amount under the head Disability stands enhanced to a sum of Rs.2,45,000/- (35% x Rs.7,000/- = Rs.2,45,000/-).

9. Further, a sum of Rs.20,000/-, Rs.4,000/-, Rs.10,000/- and Rs.16,800/- have been awarded under the heads Pain and sufferings, transportation, Extra nourishment and Attender charges which are on the lower side and the same are enhanced to a sum of Rs.60,000/-, Rs.20,000/-, Rs.25,000/- and Rs.25,000/- respectively; a sum of Rs.10,000/- has been granted under the head loss of amenities which is not sustainable. Hence, the same is dis-allowed. Insofar as the award under the other heads are concerned, the same is just and reasonable which does not require any interference.

10. In view of the above, this Court is inclined to pass the following award:-

<i>S.No.</i>	<i>Description</i>	<i>Awarded by the Tribunal (Amount in Rs.)</i>	<i>Awarded by this Court (Amount in Rs.)</i>
1	Disability	1,75,000/-	2,45,000/-



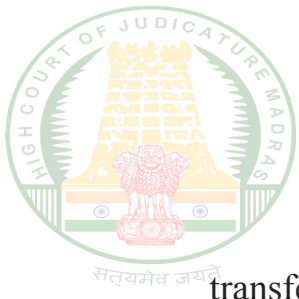
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<i>S.No.</i>	<i>Description</i>	<i>Awarded by the Tribunal (Amount in Rs.)</i>	<i>Awarded by this Court (Amount in Rs.)</i>
2	Pain and sufferings	20,000/-	60,000/-
3	Transportation	4,000/-	20,000/-
4	Medical Expenses	1,02,189/-	1,02,189/-
5	Extra nourishment	10,000/-	25,000/-
6	Attender Charges	16,800/-	25,000/-
7	Damages to clothes	1,000/-	1,000/-
8	Loss of amenities	10,000/-	-
9	Loss of earnings	26,000/-	26,000/-
10.	Future medical expenses	40,000/-	40,000/-
	Total	4,04,989/-	5,44,189/-
	Rounded off	4,05,000/-	5,45,000/-

11. Accordingly, this appeal is partly allowed and the compensation amount by the Tribunal is enhanced from Rs.4,05,000/- to **Rs.5,45,000/-**. The second respondent/insurance company is directed to deposit the compensation amount, awarded by this Court above, to the credit of M.C.O.P.No.7417 of 2021 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 six weeks (6) from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to



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transfer the award amount directly to the bank account of the appellant/claimant through RTGS within a period of two weeks thereafter, upon production of proof with regard to payment of Court fee on the enhanced compensation. The appellant is directed to pay necessary additional Court fee on the enhanced compensation amount. It is underscored that the appellant is not entitled for any interest for the default period if any. There shall be no order as to costs in the present appeal.

28.01.2025

Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
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To

1. Motor Accident Claims Tribunal / III Court of small causes, Chennai.
- 2.The Section Officer, V.R.Section, High Court, Madras.

M.DHANDAPANI, J.



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