



WEB COPY



C.M.A.No.3525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

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

C.M.A.No.3525 of 2024

A.Ranjith @ Ranjithkumar

...Appellant

Vs.

1.N.Perumal

2. The United India Insurance Company Limited,  
Silinga Building, No.134,  
Greens Road, Chennai-600 006.

...Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Order dated 12.06.2024 made in M.C.O.P.No.3415 of 2019 on the file of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Mr.S.Ravikumar

For Respondents : Mr.J.Chandran, for R2  
R1 Dispensed with  
vide order dated 13.12.2024



C.M.A.No.3525 of 2024

## **JUDGMENT**

WEB COPY

Challenging the judgment and decree dated 12.06.2024 made in M.C.O.P.No.3415 of 2019 on the file of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, the claimant has come up with this appeal.

2. Mr.J.Chandran, learned counsel takes notice on behalf of the 2<sup>nd</sup> respondent.

3. It is the case of the claimant that, on 03.05.2019, at about 13.30 Hrs., when the petitioner was riding the motor cycle bearing Reg.No.TN-05-BP-5286 from east to west near Murasolimaran Park, Paper Mills Road, Perambur, Chennai at that time a motor cycle bearing Reg.No.TN-18-AM-6241 proceeding from the opposite direction driven in a rash and negligent manner at a high speed dashed against the petitioner's motor cycle, due to which the petitioner was sustained right leg fracture and grievous injuries all over the body, immediately he was taken to Government Stanley Hospital, Chennai. The driver of the motor cycle bearing Reg.No.TN-18-AM-6241 is responsible for the above said



C.M.A.No.3525 of 2024

WEB COPY

accident. Therefore, the respondents are being the owner and insurer of the motor cycle bearing Reg.No.TN-18-AM-6241 are liable to pay compensation to the petitioner. Therefore, the appellant filed a claim petition in M.C.O.P.No.3415 of 2019 claiming a compensation of Rs.10,00,000/-.

4. Before the Tribunal, the petitioner was examined himself as P.W.1 and marked Exs.P1 to P8 and no witnesses and documents were examined and marked on the side of the respondents and Disability Certificate issued by the Medical Board was marked as Ex.C1.

5. After trial, though the Tribunal, on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place solely due to the negligence on the part of the 1<sup>st</sup> respondent, however, awarded a meagre amount of Rs.1,69,100/- towards compensation for the claimant.

6. Being not satisfied with the quantum of compensation awarded by the Tribunal, the appellant/claimant has come up with this appeal



C.M.A.No.3525 of 2024

seeking enhancement of compensation.

WEB COPY

7. The learned counsel for the appellant submitted that at about 1.30 p.m., when the petitioner was riding the motor cycle bearing Reg.No.TN-05-BP-5286 from east to west near Murasolimaran Park, Paper Mills Road, Perambur, Chennai, at that time, the driver of the 1<sup>st</sup> respondent vehicle driven by the rider of the vehicle bearing Reg.No.TN 18-AM-6241 in a rash and negligent manner and dashed against the appellant, due to which, the petitioner sustained grievous injuries all over the body. In the present case, Medical Board was assessed 20% as disability and the year of the accident is 2019, the Tribunal has awarded only Rs.5,000/- per percentage, which is very low. Therefore, the same has to be enhanced. Criminal case was filed as against the rider of the 1<sup>st</sup> respondent vehicle, insured with the 2<sup>nd</sup> respondent, marked as Ex.P1, however, the claims Tribunal without any evidence had been fixed 20% contributory negligence is not sustainable. The Tribunal fixed contributory negligence, only on the basis of the evidence. Accordingly, he prayed for appropriate orders.

8. Per contra, the learned counsel appearing on behalf of the 2<sup>nd</sup>



C.M.A.No.3525 of 2024

WEB COPY

respondent-Insurance Company contended that, by considering all the relevant documents, the Tribunal has rightly awarded the compensation, which does not require any enhancement. Accordingly, he prays for dismissal of the appeal.

9. This Court has carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

10. The factum and manner of the accident is not disputed by the parties and therefore, this Court is not venturing into the same.

11. Insofar as the quantum of compensation fixed by the tribunal is concerned, the accident is of the year 2019 and at the time of accident, the petitioner was working as a collection executive and the Tribunal fixed Rs.5000/- per percentage of disability is on the lower side. Hence, the same has to be fixed as Rs.8000/- per percentage for disability, then it would come to  $20\% \times \text{Rs.}8000/- = \text{Rs.}1,60,000/-$ .



WEB COPY

12. Insofar as the compensation awarded under the other heads are concerned, a sum of Rs.20,000/- has been awarded under the head Loss of pain and sufferings, which is on the lower side and thereby, the same is enhanced to Rs.50,000/- and a sum of Rs.4,000/- is awarded under the head of Transportation, the same is to enhanced to Rs.10,000/- and a sum of Rs.10,000/- awarded towards Extra Nourishment is enhanced to Rs.25,000/- and the amount awarded for Rs.3,000/- under the head of Attender Charges is enhanced to Rs.10,000/-. The amount awarded under the head of loss of amenities is now rejected. All other aspects, the award passed by the Tribunal are reasonable, therefore, needs no interference.

13. In the above circumstances, the compensation awarded by the Tribunal is modified as under :-

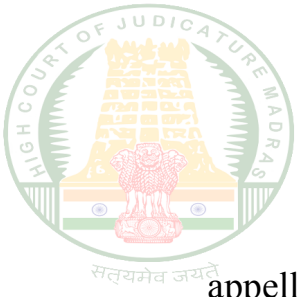
| <i><b>Heads</b></i>     | <i><b>Amount awarded<br/>by the Tribunal<br/>(Rs.)</b></i> | <i><b>Modified Award<br/>Amount<br/>(Rs.)</b></i> |
|-------------------------|------------------------------------------------------------|---------------------------------------------------|
| Disability              | 1,00,000/-                                                 | <b>1,60,000/-</b>                                 |
| For Pain and Sufferings | 20,000/-                                                   | <b>50,000/-</b>                                   |
| For Transportation      | 4,000/-                                                    | 10,000/-                                          |
| For Medical Expenses    | 35,418/-                                                   | 35,418/-                                          |
| For Extra               | 10,000/-                                                   | 25,000/-                                          |



WEB COPY

| <i><b>Heads</b></i>                       | <i><b>Amount awarded<br/>by the Tribunal<br/>(Rs.)</b></i> | <i><b>Modified Award<br/>Amount<br/>(Rs.)</b></i> |
|-------------------------------------------|------------------------------------------------------------|---------------------------------------------------|
| Nourishment                               |                                                            |                                                   |
| For Attender Charges                      | 3,000/-                                                    | 10,000/-                                          |
| For Damage to<br>Clothes                  | 1,000/-                                                    | 1,000/-                                           |
| For Loss of Amenities                     | 10,000/-                                                   | -                                                 |
| For Loss of Earnings                      | 28,000/-                                                   | 28,000/-                                          |
| <b>Total Compensation<br/>is fixed at</b> | <b>2,11,418/-</b>                                          | <b>3,19,418/-</b>                                 |
| <b>80% of the<br/>Compensation</b>        | <b>1,69,134/-</b>                                          | <b>2,55,534/-</b>                                 |
| <b>Rounded off</b>                        | <b>1,69,100/-</b>                                          | <b>2,55,500/-</b>                                 |

14. Accordingly, this Civil Miscellaneous Appeal stands allowed in part and the impugned award passed by the Tribunal in M.C.O.P.No.3415 of 2019 is modified by enhancing the compensation amount from Rs.1,69,100/- to **Rs.2,55,500/-**. The 2<sup>nd</sup> respondent Insurance Company is directed to deposit the said amount to the credit of M.C.O.P.No.3415 of 2019 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. The



C.M.A.No.3525 of 2024

WEB COPY

appellant is entitled to get the award amount with proportionate interest and costs. On such deposit being made, the Tribunal is directed to transfer the compensation amount to the claimant/appellant directly to the bank account 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. It is underscored that the appellant is not entitled to any interest for the default period, if any. No costs.

**09.01.2025**

ssn

NCC : Yes/No

Index : Yes/No

Speaking Order : Yes/No

To:

1. The Motor Accident Claims Tribunal,  
III Court of Small Causes,  
Chennai.
2. The Section Officer,  
V.R. Section, High Court, Madras.



WEB COPY



C.M.A.No.3525 of 2024

**M.DHANDAPANI, J.,**

ssn

C.M.A.No.3525 of 2024



WEB COPY



C.M.A.No.3525 of 2024

09.01.2025