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CMA No. 1499 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1499 of 2025

1. N.Dhanabal

S/o. Narayanasamy, No. 2/294, Barathi
Nagar, M.G.R.Streett, Mettu
Thandalam, Thiruporur, Chengalpattu
District 603 110.

Appellant(s)

Vs

1. K.Jagangeer

S/o. G.A.Kaber, No. 21, Dr.Malik
Street, Subramaniyapuram, Trichy 620
020.

2.The Manager

United India Insurance Company
Limited, Silingi Building, 4th Floor,
No. 134, Grems Road, Chennai 6.

Respondent(s)

PRAYER: To enhance the amount awarded in MCOP.No. 5199 of 2021 dated 19.12.2023 on the file of Motor Accident Claims Tribunal (II Judge, Court of Small Causes) Chennai.



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For Appellant(s): M/s. K.Varadha Kamaraj

For Respondent(s): M/s. T.K. Premkumar For R2
R1 - Dispensed With

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP No.5199 of 2021 dated 19.12.2023 on the file of Motor Accident Claims Tribunal (II Judge, Court of Small Causes) Chennai.

2. The brief facts of the case of the appellant/claimant are as follows:

On 23.11.2021 at about 9.00 hours, while the appellant / petitioner was riding the Motorcycle bearing Registration No.TN-45-AM-6309 proceeding near Arun Excello Apartment, Thandalam, Chengalpattu District, at the time the car bearing Registration No.TN-45-AM-6309 driven by its driver, drove in a very rash and negligent manner endangering to the public safety and hit against the above said motorcycle and the petitioner. Due to the above said accident the petitioner sustained grievous injuries. The accident happened only due to negligent manner of the driver of the above said car bearing Reg.No.TN-45-AM-6309. Therefore, the 1st respondent as legal representative of the owner and



the 2nd respondent as insurer of the offending vehicle.

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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.16,19,300/- as compensation, directing the 2nd respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation, in full excluding the period of default if any with proportionate costs.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.



6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

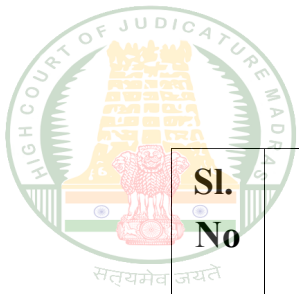
7. The claimant is working as a Security and earning Rs.20,000/- per month. However, the appellant has not produced any document to prove his income. Considering the cost of living in the year 2021 and partial permanent disability, this Court reasonably fixes the monthly income at Rs. 18,000/- per month. The compensation awarded under the other heads by the Tribunal is confirmed.

Calculation

Notional Income = Rs.18,000/-

Loss of earning capacity = $18,000 \times 12m \times 5 \times 85/100$
= Rs.9,18,000/-

8. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	5,10,000	9,18,000
2.	Pain and suffering	1,00,000	1,00,000
3.	Loss of earning	NIL	NIL
4.	Medical Expenses	6,84,246,	6,84,246,
5.	Artificial Leg Expenses	2,00,000	2,00,000
6.	Loss of Amenities	1,00,000	1,00,000
7.	Attender Charges	50,000	50,000
8.	Transportation Charges	25,000	25,000
9.	Extra Nourishment	50,000	50,000
	Total	16,19,246	21,27,246

(It is seen from the tabulation of computation of compensation awarded by the Tribunal that the total compensation comes to Rs.17,19,246/-, whereas it has been wrongly mentioned in the total as Rs.16,19,246.)

Thus, the compensation awarded by the Tribunal is enhanced from Rs.16,19,246/- to Rs.21,27,246/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs. 16,19,246/- to Rs.21,27,246/-.



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iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.21,27,246/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 5199 of 2021 on the file of the Motor Accident Claims Tribunal (II Judge, Court of Small Causes, Chennai), within a period of eight weeks from the date of receipt or uploading of a copy of this order.

(v) On such deposit being made, the appellant/claimant is at liberty to withdraw the same, as per the apportionment fixed by the Tribunal, after following due process of law.



vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.K.Jagangeer

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Street, Subramaniyapuram, Trichy 620
020.

2.The Manager

United India Insurance Company
Limited, Silingi Building, 4th Floor,
No. 134, Greams Road, Chennai 6.

3.The Motor Accident Claims Tribunal,
(II Judge, Court of Small Causes),
Chennai.

4. The Section Officer, VR-Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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