IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 271 of 2024

1. M.Sangeetha
W/o.Mariyappan, No.38/2, Erode Road,
Periya Mariyamman Kovil Opposite
Nasiyanur, Erode.

Appellant(s)

Vs

1. S.Mariappan
S/o.Sellamuthu, No.741, Muthaliyar
Street, Paramathi, Paramathiu Velur
Taluk, Namakkal District 637 207

2.Reliance General Insurance Co., Ltd.,
Sakthi Super Market, 3rd Floor, 408,
Perundurai Road, Erode 638 011.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to fix the entire liability against the 2nd respondent/Insurance Company and enhance the award passed by Motor Accident Claims Tribunal, on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge Court, Erode, against the order dated 20.09.2023 made in M.A.C.T.O.P.No.332 of 2019 from Rs.3,42,000 to Rs.5,00,000 with interest and cost and thus render justice.

For Appellant(s): Mr.K.V.Muthu Visakan

For Respondent(s): Mr.P.Suresh Srinivasan For R2
R1 - No Appearance

JUDGEMENT

The appellant has filed this appeal against the award passed in MACTOP.NO.332 of 2019 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge Court, Erode, dated 20.09.2023.

2. On considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,42,000/- as compensation, directed the 1st 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.

3. 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.

4. The learned counsel for the appellant submitted that the accident occurred in the year 2018, however, the Tribunal fixed the notional monthly income at only Rs.13,000/-, which is inadequate, and therefore prayed for enhancement of the compensation. He further contended that the notional income as well as the loss of income were not properly appreciated by the Tribunal. The learned counsel also pointed out that the appellant was a pillion

rider, while her husband was the owner of the vehicle. However, the Tribunal erroneously concluded as though the appellant herself was the owner of the vehicle and wrongly held that there was no pillion rider coverage. He also submitted that the policy was a package/comprehensive policy, and therefore the insurance company cannot be exonerated from liability. On these grounds, the appellant sought to set aside the findings of the Tribunal.

5. Per contra, the learned counsel for the 2nd respondent submitted that a comprehensive policy had been taken for the vehicle belonging to the first respondent. It was admitted that the appellant was a pillion rider at the time of the accident. He further 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.

6. Since the policy is a comprehensive policy, the appellant is entitled to compensation. Consequently, the finding of the Tribunal exonerating the insurance company from liability is liable to be set aside.

7. The Medical Board assessed her partial permanent disability at 23%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (34 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.7,000/- per percentage. Accordingly, a sum of Rs.1,61,000/- (Rs.7,000 x 23%) is awarded towards partial permanent disability.

8. The appellant was working as Rice merchant and was earning Rs.15,000/- per month. However, the appellant has not produced any document to prove her income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.15,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to her regular work for at least eight months. Therefore, a sum of Rs.1,20,000/- (Rs.15,000 x 8 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the head of transportation is enhanced to Rs.15,000/-. Further, this Court is inclined to award a sum of Rs.30,000/- towards Loss of amenities. The compensation awarded under the other heads by the Tribunal is confirmed.

9. 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.	Loss of Earnings	52,000	1,20,000
2.	Transportation	10,000	15,000
3.	Extra nourishment	15,000	15,000
4.	Attender Charges	15,000	15,000
5.	Loss of amenities	Nil	30,000
6.	Damages for clothes	5,000	5,000
7.	Medical Expenses	1,00,000	1,00,000
8.	Pain and sufferings	30,000	30,000
9.	Disability	1,15,000	1,61,000
	Total	**3,42,000**	**4,91,000**

Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,42,000/- to Rs.4,91,000/-, which shall carry interest at the rate of 7.5% per annum.

10. **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.3,42,000/- to Rs.4,91,000/-.

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 second respondent / the Reliance General Insurance Company Limited, Erode, is directed to deposit the amount awarded by this Court i.e., Rs.4,91,000/- (Rupees Four lakh Ninty one thousand only), together with interest at the rate of 7.5% per annum, from the date of claim petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order.

v. On such deposit being made by the second respondent, the appellant/claimant is at liberty to withdraw the same, 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.

21-08-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1.S.Mariappan
S/o.Sellamuthu, No.741, Muthaliyar
Street, Paramathi, Paramathiu Velur
Taluk, Namakkal District 637 207

2.Reliance General Insurance Co., Ltd.,
Sakthi Super Market, 3rd Floor, 408,
Perundurai Road, Erode 638 011.

3.The Motor Accident Claims Tribunal,
Special Subordinate Judge Court,
Erode.

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

T.V.THAMILSELVI J.
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