



C.M.A.No.3390 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3390 of 2024

Ms.Hameed Fathima

...Appellant(s)

Vs.

1.E.Gunaseelan

2.United India Insurance Co. Ltd.,

Silingi Building, 4th Floor,

No.134, Greams Road,

Chennai – 600 006.

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.1796 of 2019 dated 07.12.2023, on the file of the Motor Accident Claims Tribunal (In the V Court of Small Causes, Chennai).

For Appellant(s) : Mr.K.Balaji

For Respondent(s) : R1 – Intimation delivered
Mr.S.Dhakshanamoorthy for R2



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JUDGMENT

This appeal is filed by the appellant challenging the order dated 07.12.2023 passed in M.C.O.P.No.1796 of 2019 on the file of Motor Accidents Claims Tribunal/V Court of Small Causes, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the owner of the vehicle and second respondent is the Insurance Company before the Tribunal.

4.The brief facts of the case are as follows:

On 08.11.2018 at about 20.30 hours, when the petitioner was travelling as a pillion rider in the motorcycle bearing Registration No.TN 85 F 2980, proceeding from Thirumudivakkam Estate Road to Canara Bank Salai Junction near EEF Company, Chennai, at that time, the rider of the motorcyle rode in a rash and negligent manner in which the motorcyle was capsized. Due to the accident, the petitioner sustained



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grievous injuries. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.1796 of 2019, the Tribunal awarded a sum of Rs.57,325/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that though the medical bills submitted before the Tribunal, the Tribunal failed to consider the same. He further submitted that the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent submitted that the Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



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

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 9 documents were marked as Exs.P1 to P9. On the side of the respondents, no oral and documentary evidence were adduced. The certificate issued by the Medical Board was marked as Ex.C1.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.15,000/- for disability, Rs.325/- for medical expenses, Rs.10,000/- for loss of income, Rs.5,000/- for pain and suffering, Rs.5,000/- for mental agony, Rs.5,000/- for transportation expenses, Rs.5,000/- for nutrition expenses, Rs.1,000/- damages to clothes, Rs.1,000/- for attender charges, Rs.10,000/- loss of amenities and arrived at a total compensation of Rs.57,325/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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10. On perusal of the records, it is seen that the petitioner was aged 25 years and was working as Admin incharge in ABS Express Private Limited at the time of the accident. It is submitted by the learned counsel for the appellant that the Tribunal failed to consider the medical bills though it was signed by the cashier, this Court is inclined to consider the same and awards Rs.1,50,000/- for medical expenses.

11. On perusal of records, it is seen that the appellant sustained the following injuries:

- (i) Comminuted fracture of middle 3rd left clavicle
- (ii) Undisplaced fracture left orbit, lamina papyraceae, anterior wall left frontal sinus
- (iii) Laceration over the left upper eyelid
- (iv) Severe facial and head injury
- (v) Multiple injuries all over the body

12. The amount awarded under the heads loss of amenities in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads disability, medical expenses, loss of income, pain & suffering, mental agony, transportation expenses,



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nutrition expenses, damages to clothes and attender charges, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head disability is enhanced to Rs.24,000/- from Rs.15,000/-. Accordingly, the amount awarded under the head medical expenses is enhanced to Rs.1,50,000/- from Rs.325/-. Accordingly, the amount awarded under the head loss of income is enhanced to Rs.36,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head pain and suffering is enhanced to Rs.30,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head mental agony is enhanced to Rs.20,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head transportation expenses is enhanced to Rs.10,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head nutrition expenses is enhanced to Rs.15,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head damages to clothes is enhanced to Rs.2000/- from Rs.1,000/-. Accordingly, the amount awarded under the head attender charges is enhanced to Rs.2,000/- from Rs.1,000/-.



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13.Considering the age, year of the accident, nature of the injuries sustained by the appellant and the submission made by the learned counsel for the appellant, the compensation awarded by the Tribunal is re-assessed as follows:

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Disability (Rs.8,000 x 3)	15,000/-	24,000/-
2	Medical expenses	325/-	1,50,000/-
3	Loss of income (Rs.12,000/- x 3)	10,000/-	36,000/-
4	Pain and suffering	5,000/-	30,000/-
5	Mental agony	5,000/-	20,000/-
6	Transportation expenses	5,000/-	10,000/-
7	Nutrition expenses	5,000/-	15,000/-
8	Damages to clothes	1,000/-	2,000/-
9	Attender charges	1,000/-	2,000/-
10	Loss of amenities	10,000/-	10,000/-
	Total	57,325/-	2,99,000/-
	Rounded off	57,400/-	



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14.The appellant/claimant is entitled to total compensation of Rs.2,99,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

15.The judgment and decree passed by the Motor Accident Claims Tribunal/V Court of Small Causes, Chennai in M.C.O.P.No.1796 of 2019 dated 07.12.2023 is modified to the above extent.

16.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/claimant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

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



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directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/V Court of Small Causes, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.

18.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

25.08.2025

Index: Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

- 1.The Motor Accidents Claims Tribunal,
V Court of Small Causes, Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.

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