



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2029 of 2025

Muruganandam

Appellant

Vs

1. P.J.Rajesh

2.The Branch Manager

The New India Assurance Company
Ltd., II Floor, Raman Cetnre,
Ravipuram, Valanjambavam, Cochin,
Kerala.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the fair and decreetal order dated 25.02.2020 passed by the Motor Accident Claims Tribunal/the Sub Judge at Nagapattinam in MCOP.No. 66 of 2018 and to allow this appeal

For Appellant: Mr.S.Thamizh Poonkuilmozhi

For Respondents: Mr. J. Chandran For R2



JUDGMENT

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The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.66 of 2018, dated 25.02.2020 has preferred this appeal seeking for enhancement of compensation.

2. The case of appellant/petitioner is that on 21.05.2017 at about 03.00 hrs., when the petitioner was riding his two wheeler bearing Regn. No. TN-51 AD-9355 from Manakkudi Nagapattinam-Thiruthuraipoondi ECR Road, near Alankudi bridge, at that time, a bus bearing Regn. No. KL-39-L-1777 came from the opposite direction in a rash and negligent manner, dashed on the petitioner's motorcycle and caused an accident. Due to which, the petitioner sustained grievous injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.10,00,000/-.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.1,04,000/- under various heads as follows:



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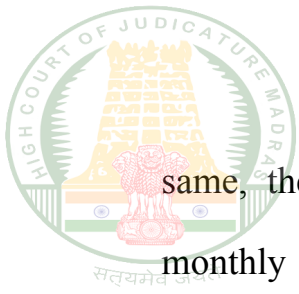


S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Permanent disability	48,000
2.	Medical expenditure	5,000
3.	Transportation	5,000
4.	Loss of income	15,000
5.	Pain and sufferings	15,000
6.	Extra nourishment	10,000
7.	Attender charges	6,000
	Total compensation awarded (by adding Sl. Nos. 1 to 7)	1,04,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that at the time of accident, he was aged about 45 years and though the accident was happened in the year 2017, the tribunal had fixed only a sum of Rs.3000/- per percentage of disability. He would also submit that the petitioner is a Mridangam player, thereby he earned a sum of Rs.10,000/- per month. But, without considering the



same, the tribunal had awarded only a sum of Rs.7500/- towards notional monthly income. He would further submit that due to the injuries sustained in the accident, he was not able to move outside and nearly about six months, he was not able to attend his avocation. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that the accident was happened in the year 2017 and he had sustained 16% of disability, for which the tribunal has rightly awarded a sum of Rs.3000/- towards per percentage of disability. He would also submit that on considering the injuries as well as treatment period, the learned Tribunal rightly fixed two months for loss of income, which needs no interference of this court. He would further submit that he was a Mridangam player. Considering that, the tribunal had rightly fixed his income as Rs.7500/-, which needs no interference.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

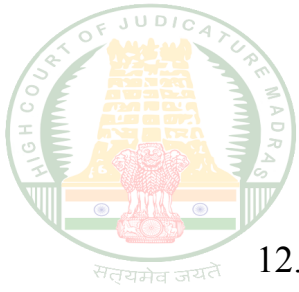
9. Considering both side submissions, the fact reveals that admittedly, he had suffered with 16% of permanent disability, for which the tribunal has awarded only a sum of Rs.3000/- per percentage. But, on considering the



petitioner's age of 45 years and the fact that the accident was happened in the year 2017 and also the fact that the appellant had sustained 16% of permanent disability, this court is inclined to enhance the sum awarded towards percentage of disability from Rs.5000/- to Rs.7000/-.

10. Furthermore, on perusal of award, it reveals that due to the injuries sustained in the accident, the appellant had sustained 16% of permanent disability, as a result of which, he was not able to move outside and nearly about six months, he was not able to attend his avocation. However, by relying the discharge summary, the learned counsel for 2nd respondent would also submit that only 11 days, he is in hospital, but on seeing the grievous injury as well as considering his permanent disability, this Court is inclined to modify the period for loss of income as six months.

11. On further perusal of record, the fact reveals that the petitioner is a Mridangam player, thereby he earned a sum of Rs.10,000/- per month. But, without considering the same, the tribunal had awarded a sum of Rs.7500/- towards notional monthly income. However, considering his age and the accident was happened in the year 2017 and also considering the cost of living at that time, this court is inclined to enhance the sum awarded towards notional monthly income from Rs.7,500/- to Rs.15,000/-.



12. Considering the fact that during the treatment period, the petitioner incurred huge expenses towards transportation, for which the tribunal has awarded only a sum of Rs.5,000/-, which is very meagre one. Hence, this court is inclined to enhance the transport charges from Rs.5,000/- to Rs.10,000/- . On perusal of discharge summary, the fact reveals that he had sustained 16% of permanent disability, due to which he had sustained severe pain and he is unable to do his work as before. Therefore, this Court is inclined to enhance the sum awarded towards pain and sufferings from Rs.15,000/- to Rs.30,000/-.

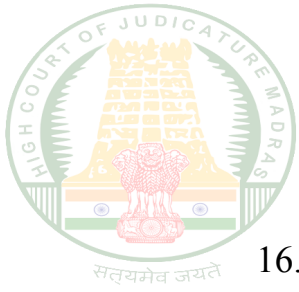
13. As he had suffered with permanent disability, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

14. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent disability (Rs.7,000 x 16%)	48,000	1,12,000	enhanced
2.	Medical expenses	5,000	5,000	confirmed
3.	Transportation	5,000	10,000	enhanced
4.	Loss of income (Rs.15,000 x 6)	15,000	90,000	enhanced
5.	Pain and sufferings	15,000	30,000	enhanced
6.	Extra nourishment	10,000	15,000	enhanced
7.	Attender charges	6,000	6,000	enhanced
	Total	1,04,000	2,68,000	enhanced

15.The compensation awarded by the tribunal at Rs.1,04,000/- is enhanced to Rs.2,68,000/-. The 2nd respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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costs.

16. In the result, the Civil Miscellaneous Appeal is partly allowed. No

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Court, Nagapattinam.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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