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CMA No. 1668 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1668 of 2025

E.Elumalai

Appellant

Vs

1. The Correspondent,
St.Johns Matric Higher Sec. School,
Having Premises at Selvaraj Nagar,
Lakshmipuram, Thirunindravur,
Tiruvallur Dist.

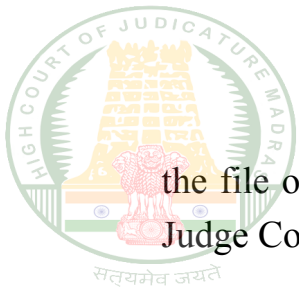
2.The Manager,
The New India Assurance Company
Ltd., Motor T.P. Claims having office at
No.232, 6th Floor, NSC Boss Road,
Chennai -600 001.

Respondents

CMA No. 1668 of 2025

PRAAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow appeal and to enhance the amount awarded in MCOP.No.26 of 2019 on



the file of Motor Accident Claims Tribunal No.II, (In the Special Subordinate Judge Court of Tiruvallur) as prayed for with interest and cost.

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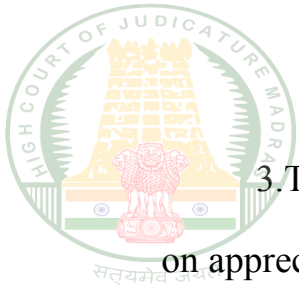
For Appellant: Mr.U.Chithambaram

For Respondents: R1 And R2 - No Appearance

JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.26 of 2019, dated 09.01.2020 has preferred this appeal seeking for enhancement of compensation.

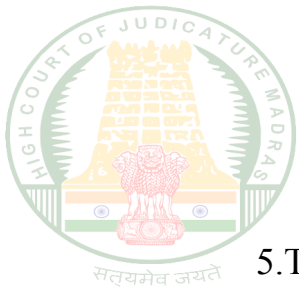
2.The case of the petitioner is that on 13.04.2015 at about 02.15 hours, when the petitioner riding his two wheeler bearing Regn. No. TN-20 CC-1284 at Tiruvallur – Avadi Highways, near Kakallur Furniture Company, proceeding towards Avadi, at that time, the 1st respondent's school mini bus bearing Regn. No. TN-20-AF-6129 proceeding in the opposite direction, driven by its driver in a rash and negligent manner, dashed on the petitioner's two wheeler and caused accident. Due to which, the petitioner grievous sustained 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.25,00,000/-.



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 rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.5,83,160/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	2,62,163
2.	Loss due to partial permanent disability	2,10,000
3.	Transport expenses	5,000
4.	Extra nourishment	10,000
5.	Damage to clothing and articles	1,000
6.	Pain and sufferings	50,000
7.	Attender charges	5,000
8.	Loss of happiness and amenities	40,000
	Total	5,83,163
	Rounded off to	5,83,160

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

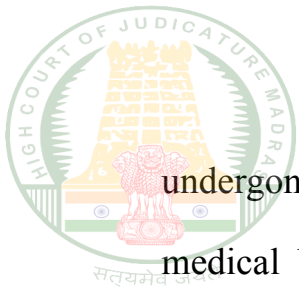


5. The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that the petitioner was working as an Electrical Technician in Southern Railways, Chennai and he was admitted at Railway Hospital, Chennai and he had undergone three surgeries for right hip dislocation, right femur fracture, right distal radius fracture, right radius shaft fracture and right clavicle fracture and also undergone surgery for distal femur implant. After assessing his disability, the medical board opined that he suffered with 60% of physical disability. But, without considering the same, the tribunal has fixed only a sum of Rs.3,500/- per percentage of disability. Hence, he prayed to enhance the compensation.

7. Heard and considered rival submissions made by both learned counsel for appellant and perused materials available on record.

8. Considering both side submissions, the fact reveals that admittedly, he was aged about 44 years and due to the accident, he had undergone three surgeries for right hip dislocation, right femur fracture, right distal radius fracture, right radius shaft fracture and right clavicle fracture and also



undergone surgery for distal femur implant. After assessing his disability, the medical board opined that he suffered with 60% of physical disability. The tribunal had fixed only a sum of Rs.3,500/- per percentage of disability. Therefore, considering his age, considering his disability and also on considering the cost of living at that time, this Court is inclined to enhance the percentage of disability from Rs.3,500/- to Rs.5,000/- per month.

9. Furthermore, on seeing the facts, he has undergone surgeries during the treatment period and also took treatment as outpatient for 27 days in the hospital, as a result of which, he had spent huge expenses for transportation. Considering that, the sum awarded for transportation is to be increased from Rs.5,000/- to Rs.10,000/-. As he had suffered with fracture in his right hand, right shoulder fracture and also right leg fracture, 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/-. Considering the fact that the tribunal had awarded a meagre sum towards damages to cloths and articles, this court is inclined to enhance the sum from Rs.1,000/- to Rs.2,000/- under the said head. Due to the fractures sustained in the accident, he was in hospital for more than 27 days, so he required an attender. Hence, this court is inclined to enhance the attender charges from Rs.5,000/- to Rs.8,100/-. Considering the nature of injury and other relevant factors, this Court is inclined to enhance the sum awarded towards loss of amenities from Rs.40,000/- to Rs.50,000/-. The



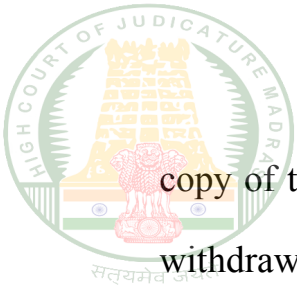
compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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10. 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.	Loss of income	2,62,163	2,62,163	confirmed
2.	Loss due to partial permanent disability (60% x Rs.5000/-)	2,10,000	3,00,000	enhanced
3.	Transportation	5,000	10,000	enhanced
4.	Extra nourishment	10,000	15,000	enhanced
5.	Damage to clothing and articles	1,000	2,000	enhanced
6.	Pain and sufferings	50,000	50,000	confirmed
7.	Attender charges	5,000	8,100	enhanced
8.	Loss of amenities	10,000	50,000	enhanced
	Total	5,83,163	6,97,263	
	Rounded off	5,83,160	6,97,270	

11. The compensation awarded by the tribunal at Rs.5,83,160/- is enhanced to Rs.6,97,270/-. The second 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
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 claimants. The other directions issued by the Tribunal with regard to
the mode of payment of compensation remains unaltered.

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

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Judge, Special Court for MCOP Cases,
Tiruvallur.

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



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T.V.THAMILSELVI J.

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