



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3131 of 2018

1. PALANIMALAI

S/o.Pichakara Padayachi, No.4/35,
Parickal St, Semanthal Village,
Ulundurpet Tk, Villupuram Dist.

Appellant(s)

Vs

1. VETRIVEL

Old No. 4, New No. 1110,
Samathupuram, Thirunavallur Post,
Ulundurpet Tk, Villupuram Dist.
(R1 set exparte in the Trial court)

2.Shiram General Insurance Co Ltd

No.66, II Floor, City Centre Complex,
Thirumalai Pillai Rd, Ch-17

Respondent(s)

CMA No. 3131 of 2018

PRAYER

This Civil Miscellaneous Appeal has been filed against the Judgment and



Decree dt. 18.09.2012 made in MACT OP no. 1386/2011 on the file of the V Judge, Motor Accidents Claims Tribunal (Small Causes Court), Chennai.

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For Appellant(s): Mr.C.Munusamy

For Respondent(s): Mrs.R.Sreevidhya For R2
R1 – Set Exparte

JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 18.09.2012 made in MACT OP no. 1386/2011 on the file of the V Judge, Motor Accidents Claims Tribunal (Small Causes Court), Chennai.

2. The brief facts of the case:

On 01.03.2011 at about 23.00 hours while the claimant/appellant was riding the moped bearing registration No. PY 01 L 9926 along Gudilam to Parickal main road, opposite to ration shop, the tractor bearing registration No. TN 46 B 7336 which was driven by its driver in a rash and negligent manner came from West to East direction and dashed against the claimant, thereby he sustained injuries. Thereafter, the claimant has filed the petition before the tribunal claiming compensation and the second respondent also contested the case by filing counter. After considering the oral and documentary evidence, the



tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant submits that due to the said accident the claimant sustained permanent disability without considering the same the tribunal has erroneously fixed 25% as disability. Hence he prays to enhance the compensation.

4. On the other side, the learned counsel for the respondent submits that the appellant has not sustained any amputation. Hence, the tribunal has rightly passed the award which needs no interference.

5. Heard the submission of the learned counsel for the appellant and the respondent.

6. While pending appeal, this court has directed the appellant to appear before the Medical board, Villupuram to assess the disability and accordingly, he appeared before the board, which had assessed that the appellant has sustained 70% permanent disability.

7. On perusal of the records, it reveal that the appellant has sustained fracture of shaft of femur right, for which interlocking nailing was done which



was supported by Ex.P4/X-ray film. It is evident from from discharge summary that the appellant had suffered old united retract fracture of both bones left leg.

Therefore, even after surgery the appellant's bone was not united and after accident the appellant is moving only with the help of wheel chair. However, the tribunal has taken only 25% as disability. Hence, as per the medical board certificate dated 08.01.2025, this Court is inclined to take 75% as permanent disability of the appellant. As Further, the appellant has not produced any document to prove his income. However, considering the cost of living at the time of the accident, this Court is inclined to fix Rs.10,000/- notional income of the appellant. Accordingly, the appellant is entitled to Rs. 13,50,000/- under the head of disability($10,000 \times 12 \times 15 \times 75 / 100$).

8. Further, the appellant has taken in-patient treatment for 54 days and he has suffered fracture of both bones left leg. Hence, this Court is inclined to enhance the amount awarded under the head of extra nourishment from Rs.7,000/- to 20,000/- and pain and sufferings from Rs.30,000/- to Rs.50,000/-. Further, this Court is inclined to award Rs. 50,000/- under the head of loss of amenities and amount awarded under the head of transportation is enhanced to



Rs.15,000/- from Rs.5,000/-. Except above modification, award passed by the tribunal in other heads remains unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Disability	Rs.2,02,500/-	Rs.13,50,000/-
2.	Loss of Amenities	Nil	Rs.50,000/-
3.	Pain and sufferings	Rs.30,000/-	Rs.50,000/-
4.	Extra Nourishment	Rs.7,000/-	Rs.20,000/-
5.	Transportation charges	Rs.5,000/-	Rs.15,000/-
6.	Damages to clothes	Rs.1,000/-	Rs.1,000/-
	Total	Rs.2,50,000/-	Rs.14,86,000/-

9. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 14,86,000/-**. The 2nd respondent is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MACT OP no. 1386/2011 on the file of the V Judge, Motor Accidents Claims Tribunal (Small Causes Court), Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already



deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

10. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The V Judge, Motor Accidents Claims Tribunal (Small Causes Court),
Chennai.

2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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