



C.M.A.(MD)No.126 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.04.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**C.M.A.(MD)No.126 of 2025**

P.Perumal

... Appellant / Petitioner

Vs.

1.Sampath

2.The Branch Manager,  
The Reliance General Insurance  
Company Ltd.,  
Trichy Branch,  
2<sup>nd</sup> Floor, PLA Kanaku Tower,  
No.15A, Thillai Nagar Main Road,  
11<sup>th</sup> Cross, Trichy.  
(Policy date 20.02.2021 to 19.02.2022)  
(Policy No.726922123340000310)

... Respondents / Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 21.11.2024 in M.C.O.P.No.330 of 2023 on the file of the Motor Accident Claims Tribunal, (the Subordinate Judge), Keeranur.

For Appellant : Mr.P.Ganapathi Subramanian

For R-1 : No appearance

For R-2 : Mr.V.Sakthivel



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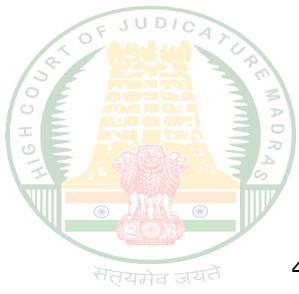
## **JUDGMENT**

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Challenging the order passed by the Motor Accident Claims Tribunal, (the Subordinate Judge), Keeranur, in M.C.O.P.No.330 of 2023, dated 21.11.2024, the claimant has filed this Civil Miscellaneous Appeal.

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

3.The appellant herein is the claimant, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company with which the vehicle was insured. On 03.05.2021 when the appellant was proceeding in his bike bearing registration No.TN55-AS-3916 TVS Super XL at Annavasal to Sitthannavasal road near Alangulam from south to north direction along the left side of the road, a vehicle bearing registration No.TN49-BY-5123 Bolero Pik-up belonging to the first respondent, which came from the opposite direction dashed against the petitioner's vehicle, as a result of which, the petitioner was thrown away and his right knee was crushed. Seeking to compensate for the said injury, he filed the M.C.O.P. before the learned Tribunal.



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4.The learned Tribunal proceeded to examine one witness on the side of the claimant marking exhibit P-1 to P-13. Though no witnesses were examined, exhibit R1 was marked on the side of the respondents. The disability certificate was marked as exhibit C1. On the basis of the arguments made by the respective parties, the documents marked and the evidence deposed, the learned Tribunal passed an award of Rs. 3,57,700/- (Rupees Three Lakhs Fifty Seven Thousand and Seven Hundred only). Seeking to enhance the same, the claimant is before this Court by way of this appeal.

5.The learned counsel for the appellant submitted that the appellant is suffering from functional disability and he had sustained 30% disability and he is not able to avail any job as before and hence the learned Tribunal ought to have compensated by avoiding an enhanced amount for every percentage of disability and the award passed by the learned Tribunal for the other heads are extremely low and sought for enhancement of the same.

6.A careful perusal of the impugned order which shows that the learned Tribunal had come to a conclusion on the basis of Exhibit C1



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disability certificate, that is, the disability being suffered by the appellant is not a functional one and the same is 30 percentage which is a grievous injury. It has also been clearly mentioned by the learned Tribunal that a disability certificate would reveal that the claimant has suffered with “Compound tracture Tibia” and it is not a functional disability and only a grievous injury. However, relying upon the judgment reported in 2013(2) TNMAC 583 in which Rs.3000/- per percentage was awarded for an accident which occurred in the year 2009 and another judgment reported in 2024 (1) TNMAC 625 in which Rs.7000 per percentage of disability was awarded for an accident which occurred in the year 2020. However, I am of the considered view that in the instant case, the accident happened on 03.05.2021 for which the learned Tribunal ought to have enhanced the award per percentage a little more and I hereby fix Rs.10,000/- (Rupees Ten Thousand only) per percentage. Since the claimant had undergone prolonged treatment, I find it necessary to enhance the “heads”- “pain and sufferings”, “attender charges” and “extra nourishment”.

7.Considering all the above circumstances, the award passed by the Tribunal is modified as follows:

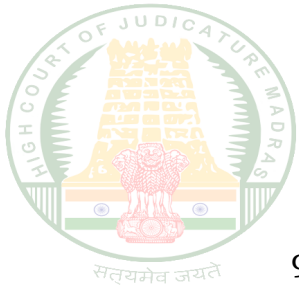


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| S. No. | Description         | Amount awarded by the Tribunal<br>Rs. | Amount awarded by this Court<br>Rs. | Award confirmed or enhanced |
|--------|---------------------|---------------------------------------|-------------------------------------|-----------------------------|
| 1.     | Disability          | Rs. 2,10,000/-                        | Rs. 3,00,000/-                      | enhanced                    |
| 2.     | Pain and sufferings | Rs. 10,000/-                          | Rs. 1,00,000/-                      | enhanced                    |
| 3.     | Transportation      | Rs. 10,000/-                          | Rs. 10,000/-                        | confirmed                   |
| 4.     | Attender charges    | Rs. 5,400/-                           | Rs. 25,000/-                        | enhanced                    |
| 5.     | Extra Nourishment   | Rs. 10,000/-                          | Rs. 50,000/-                        | enhanced                    |
| 6.     | Medical Expenses    | Rs. 86,288/-                          | Rs. 86,288/-                        | confirmed                   |
| 7.     | Loss of Earnings    | Rs. 23,000/-                          | Rs. 23,000/-                        | confirmed                   |
|        | Total               | Rs. 3,54,688/-                        | Rs. 5,94,288/-                      | enhanced                    |
|        | Rounded off         | Rs. 3,54,700/-                        | Rs. 5,94,300/-                      | enhanced                    |

8.In the result, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the learned Tribunal at Rs.3,54,300/- (Rupees Three Lakhs Fifty Four Thousand and Three Hundred only) is hereby enhanced to Rs.5,94,300/- (Rupees Five Lakhs Ninety Four Thousand and Three Hundred only).



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9.The 2<sup>nd</sup> respondent Insurance Company is directed to deposit the enhanced compensation amount with accrued interest and costs to the credit of M.C.O.P.No.330 of 2023 on the file of the Motor Accident Claims Tribunal, (the Subordinate Judge), Keeranur, within a period of four weeks (4) from the date of receipt of copy of this judgment, less the amount, if any already deposited. On such deposit, the claimant is entitled to withdraw the amount, less the amount, if any already withdrawn, by making necessary application before the Tribunal. The appellant is directed to pay the necessary Court fee on the enhanced compensation, if any. No costs.

**08.04.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Sml

To

The Motor Accident Claims Tribunal,  
(the Subordinate Judge), Keeranur.

Copy to

The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.

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**L.VICTORIA GOWRI, J.,**

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