

C.M.A(MD)No.881 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : **15.09.2025**

CORAM:

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.M.A.(MD)No.881 of 2025

B.Dinesh,
S/o.Basteen,

... Appellant/Claimant

Vs.

1. Prasath,

2. The National Insurance Company Ltd.,
Vishodhan Towers First Floor,
No.17-18, West Main Street,
Thanjavur.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 28.04.2025 in M.C.O.P.No.38 of 2024 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Thanjavur.

For Appellant : Mr.N.Tamilmani

For Respondent-2 : Mr.A.S.Mathialagan



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JUDGMENT

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The appellant/claimant has filed this Civil Miscellaneous Appeal to enhance the award made in M.C.O.P.No.38 of 2024 by the Motor Accident Claims Tribunal/Special Sub Court, Thanjavur dated 28.04.2025.

2. The brief facts of the case of the claimant is that on 03.08.2023 at about 05.00p.m., the claimant was travelling in a bike as a pillion rider along with his Branch Manager in a two wheeler bearing registration No TN 49 BC 5860 from Thingaloor to Kumbakonam Main Road. While they were proceeding towards eastern side by keeping left hand side of the road near Royampettai Bus stop, the first respondent's Tavera Car bearing registration No.TN-09-BB-3650 driven by its driver Noormuhamed came from the opposite direction in a rash and negligent manner and dashed against the two wheeler. Due to it, the claimant sustained fracture on his left femur and multiple injuries all over his body. In this connection, a case in Crime No.224 of 2023 under Sections 279 and 337 of IPC was registered by the Thiruvaiyarur Police against the driver of the offending.



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3.At the time of accident, the age of the claimant is 33 year and he was working in a private finance company at Thanjavur and earning Rs.20,000/- per month. Due to the accident, the claimant suffered permanent disability. Claiming compensation of Rs. 20,00,000/-, a claim petition was filed by the claimant before the Tribunal.

4.That was resisted by the 2nd respondent Insurance Company by filing a counter disputing the manner of accident and to pay the liability to the claimant.

5.During trial, on the side of the claimant, the claimant himself was examined as P.W.1 and Exs.P.1 to P9 were marked. On the side of the respondents, no oral and documentary evidence was adduced.

6.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the rider of the motor cycle was responsible for the accident and awarded compensation of Rs.2,95,847/- to the claimant as per the tabulation given below:-



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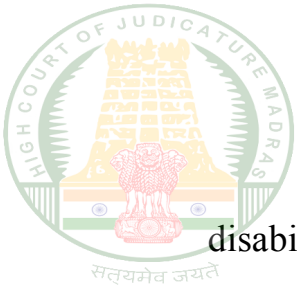
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1.	For the disability (15X5000) (Temporary)	Rs.75,000/-
2.	Pain and sufferings (8 days in patient)	Rs.20,000/-
3.	Loss of amenities	Rs.40,000/-
4.	Approximate loss of income during treatment	Rs.20,000/-
5.	Attendant Charges	Rs.5,000/-
6.	Special diet	Rs.10,000/-
7.	Transport charges	Rs.10,000/-
8.	Damage to clothing	Rs.5,000/-
9.	Removal of Plate and Screw	Rs.20,000/-
10.	Reimbursement of Medical Bills	Rs.90,847/-
	Total	Rs.2,95,847/-

7. Being not satisfied with the award passed by the Tribunal, the present appeal is preferred by the claimant as appellant for enhancement of compensation.

8. Heard the learned Counsel appearing for the appellant and the learned counsel appearing for the second respondent and perused the material available on record.

9. The learned Counsel for the appellant/claimant argued that the award passed by the Tribunal is meagre and insufficient; for 15% of



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disability, the Tribunal awarded only Rs.75,000/- as compensation, which is on the lower side; for removal of plate and screw, the Tribunal has awarded only Rs.20,000/-. In respect other heads also, the compensation awarded by the Tribunal is very low. Therefore, he filed this appeal seeking enhancement of compensation.

10.The learned Counsel appearing for the second respondent Insurance Company submits that the accident occurred only due to the negligent act of rider of the motor cycle and rider of the two wheeler had no valid license and therefore, they are not liable to pay any compensation to the claimant.

11.The appeal is filed only for enhancement of compensation.

12. It is seen from the records that appellant was referred to the Medical Board to assess the disability. The Medical Board attached to Thanjavur Medical College Hospital, has assessed the disability of appellant at 15%. Temporary disability certificate has also issued by the Medical Board. Further, it is seen from the records, the appellant was admitted in the hospital on 04.08.2023 and discharged from the hospital



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on 11.08.2023. The appellant was inpatient only for eight days.

Considering the disability suffered by the claimant, the amount awarded under the head of disability is enhanced to Rs. 1,35,000/- . Similarly, Rs. 20,000/- under the head of pain and sufferings awarded by the tribunal is to be enhanced to Rs.32,000/-.

13. After hearing both sides arguments, this Court is inclined to modify the award amount. Accordingly, the award amount in the following heads are hereby enhanced. For disability Rs.1,35,000/-, for pain and suffering Rs.32,000/-, Approximate loss of income during treatment Rs.30,000/-, Attendant charges Rs.10,000/-, Removal of plate and screw, the appellant has not produced any medical certificate. With regard to the other heads, the amounts granted by the Tribunal appears to be reasonable and hence, no interference is called for. After revisit, the compensation details are tabulated hereunder:

Sl. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For the disability	Rs.75,000/-	Rs.1,35,000/-	Enhanced
2	For pain and sufferings	Rs.20,000/-	Rs.32,000/-	Enhanced



Sl. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
3	Loss of Amenities	Rs.40,000/-	Rs.40,000/-	Confirmed
4	Loss of Income	Rs.20,000/-	Rs.30,000/-	enhanced
5	Attendant Charges	Rs.5,000/-	Rs.10,000/-	Enhanced
6	Special diet	Rs.10,000/-	Rs.10,000/-	Confirmed
7	Transport Charges	Rs.10,000	Rs.10,000/-	Confirmed
8	Damage to clothing	Rs.5,000/-	Rs.5,000/-	confirmed
9	Removal of plate and Screw	Rs.20,000/-	Rs.20,000/-	Confirmed
10	Reimbursement of Medical Bills	Rs.90,847/-	Rs.90,847	Confirmed
	Total	Rs.2,95,847/-	Rs.3,82,847/-	Enhanced

14. Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,95,847/- to Rs.3,82,847/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

15. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.2,95,847/- to Rs.3,82,847/-.



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(iii) The Insurance Company/2nd respondent is directed to deposit

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the enhanced compensation amount now determined by this Court i.e., Rs.3,82,847/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of M.C.O.P.No.38 of 2024 on the file of Motor Accidents Claims Tribunal / Special Sub Court, Thanajvur within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant/appellant is permitted to withdraw the amount now determined by this Court along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

15.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1.The Motor Accidents Claims Tribunal/Special Sub court,
Thanajvur.

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA,J

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