

C.M.A.(MD) No.1220 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.05.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD) No.1220 of 2024

Kalasekar

.. Appellant

Vs.

1.Anas

2.The Divisional Manager,
The United India Insurance Company Ltd.,
No.7A, West Veli Street,
Madurai-625 001.

.. Respondents

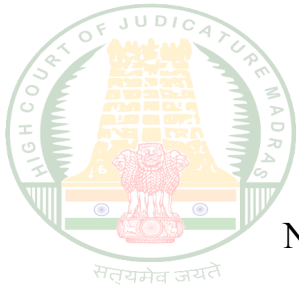
Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 19.04.2023 made in M.C.O.P.No.248 of 2021 on the file of the Motor Accident Claims Tribunal/IV Additional Sub Court, Madurai.

For Appellant : Mr.V.Sriram

For R1 : No Appearance

For R2 : Mr.B.Rajesh Saravanan

JUDGMENT



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Not being satisfied with the Award dated 19.04.2023 made in M.C.O.P.No.248 of 2021 by the Motor Accidents Claims Tribunal/IV Additional Sub Court, Madurai, the claimant herein has preferred this Civil Miscellaneous Appeal for enhancement of compensation.

2. Despite the receipt of notice, the 1st respondent neither appeared nor entered appearance through his Counsel.

3. The claim petition has been filed by the claimant herein under Section 166 of MV Act, claiming compensation of Rs.5,00,000/- for the injuries sustained in a road traffic accident that took place on 14.06.2020.

4. Upon consideration of oral and documentary evidence and after hearing the arguments advanced on either side, the Tribunal awarded a sum of Rs.51,351/- as compensation under various heads which are given hereunder:



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1.	For Medical expenses	Rs.3,550/-
2.	For pain and sufferings	Rs.30,000/-
3.	For extra nourishment	Rs.10,000/-
4.	For transport expenses	Rs.Rs.5,000/-
5.	For Attendant charges	(7 days X Rs.400/-) Rs.2,800/-
	Total	Rs.51,350/-

5. The learned counsel for the appellant would vehemently argue that no amount was granted for loss of income during treatment period and the amount awarded for pain and sufferings undergone by the claimant herein is inadequate and sought for enhancement of compensation.

6. It has come on record through the evidence of P.W.1 that he was working as Sub Inspector of Police and on 14.06.2020 at about 04.15 p.m., when he was engaged in checking of vehicles along with other police personnel at Surapatti check post situate along Trichy-Madurai Four way lane, while he was checking TATA ACE bearing Registration No.TN-65-K-5135, a fish laden lorry bearing Registration No.KL-22-M-5094 came in a rash and negligent manner and hit behind the TATA ACE vehicle. Due to the



WEB COPY said impact, the TATA ACE vehicle dashed on the claimant and he sustained grievous injuries. The Tribunal fastened the liability upon the 1st respondent owner of the lorry and the 2nd respondent being the Insurer of the said vehicle and directed that they are jointly and severally liable to pay compensation.

7. From the testimony of P.W.1, coupled with medical records, it appears that the claimant had suffered fracture of lateral condyle tibia left. It has been stated by the claimant that he was working as a Sub Inspector of Police and earning a sum of Rs.70,000/- per month. The Tribunal has observed that the claimant has not proved that he suffered loss of income during the treatment period till rejoining the duty.

8. The District Medical Board having examined the claimant and has issued the disability certificate stating NIL disability. Due to the fracture sustained by him in the accident, though the claimant would have availed leave, no details are given in this regard in his evidence and relevant proof to show that due to the fracture, he was on leave. Ex.P6/pay slip is for the month of December, 2022. Date of accident is 14.06.2020. However, in consideration of the evidence of P.W.1, coupled with medical records, he



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must have gone leave atleast for two months and a sum of Rs.1,30,000/- is

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granted for loss of income during treatment period as the leave availed by him has to be taken as loss of income. For attendant charges, an amount of Rs.5,000/- is granted in addition to the amount already granted by the Tribunal. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence there is no interference in the said heads. Thus, the amount awarded by the Tribunal is reworked and tabulated as given hereunder:-

1.	Loss of income during treatment period	Rs.1,30,000/-
2.	For Medical expenses	Rs.3,550/-
3.	For pain and sufferings	Rs.30,000/-
4.	For extra nourishment	Rs.10,000/-
5.	For transport expenses	Rs.5,000/-
6.	For Attendant charges	Rs.7,800/-
	Total	Rs.1,86,350/-

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.51,350/- awarded by the Tribunal is hereby enhanced to Rs.1,86,350/- with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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WEB COPY a) The appellant/claimant shall not be entitled for the interest for the delay period in filing the appeal.

b) The second respondent/Insurance Company is directed to deposit the amount with interest now determined by this Court, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order.

c) On such deposit, the appellant is permitted to withdraw the entire award amount along with interest and costs, less the amount if any, already withdrawn.

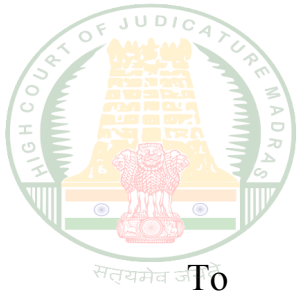
d) The appellant/claimant is directed to pay the applicable additional Court fee on the enhanced award amount.

e) There is no order as to costs.

29.05.2025

Index : Yes / No
Internet : Yes/ No

gbi



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To
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- 1.The IV Additional Sub Judge,
Motor Accident Claims Tribunal,
Madurai.
- 2.The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

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