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CMA No. 2113 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA No. 2113 of 2010

P.D.Allex

..Appellant(s)

Vs

1. Karpagam

2. The Branch Manager
The New Indian Assurance Company Ltd,
T.S.1817, Neela South Veethi,
Nagapattinam Town, Taluk And Munisf.

3. The Branch Manager
The National Insurance Company Ltd,
Office At No.2, Road, 40,
Rastha Manaveli Street, Mayiladuthurai,
Town Taluk & Munsif, Nagapattinam District.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, praying to set aside the Judgment and Decree dated 11.01.2008 made in M.C.O.P.No.334/2006 on the file of the Court of Motor Accident Claims Tribunal (District Court) Nagapattinam.

For Appellant(s): Mr.A.Deivasigamani

For Respondent(s): Ms.R.Sreevidhya
(For R2)
Ms.Surekha
(For R3)
For R1 – No appearance



JUDGMENT

The present Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree dated 11.01.2008 made in M.C.O.P.No.334/2006 on the file of the Court of Motor Accident Claims Tribunal (District Court) Nagapattinam.

2. Heard Mr. A.Deivasigamani, learned counsel for the appellant and Ms.R.Sreevidhya, learned counsel for the 2nd respondent and also Ms.Surekha, learned counsel appearing for the 3rd respondent. There is no representation on behalf of the first respondent.

3. The learned counsel for the appellant would submit that the appellant had suffered injuries, while travelling as a pillion rider on a bike and had sought compensation for a sum of Rs.5,00,000/- (Rupees Five Lakhs only). However, the Tribunal, without properly considering his claim, had granted only a sum of Rs.54,935/- (Rupees Fifty-Four Thousand Nine Hundred and Thirty-Five only). He would submit that even though the appellant had been assessed with partial and permanent disability of 36% on account of the injuries sustained, the Tribunal had granted only Rs.30,000/- (Rupees Thirty Thousand only). He would submit that the compensation arrived at under the said head is only a partial compensation, which do not commensurate with the disability suffered by the appellant.



4. The learned counsel for the appellant would further submit that the appellant had suffered serious fracture injuries. However, without considering the pain, sufferings and mental agony that the appellant would have suffered, the Tribunal had granted only a meagre sum of Rs.5,000/- under the said head. He would further submit that the medical expenses that had been granted also do not commensurate with the expenses incurred by the appellant for the treatment of the injuries sustained by him and also for the future medical expenses. He would further submit that a consolidated compensation had been awarded towards transportation and nourishment without adducing any reasons for rejecting the claim of the appellant under the respective heads. Therefore, he would seek the indulgence of this Court to enhance the compensation.

5. Countering his arguments, the learned counsel appearing for the respondents would contend that the accident had taken place in the year 2005, during which period only a sum of Rs.1,000/- (Rupees One Thousand only) was being granted for each percentage of disability and therefore the appellant cannot seek to have a higher amount for the disability. The Court below had rightly arrived at the compensation for disability. She would further submit that the compensation that had been granted for pain and suffering is sufficient and that the appellant had not suffered any permanent disability on account of the said accident. She would further submit that the medical expenses had been



rightly granted by the Tribunal by placing reliance upon Ex.P20 that has been produced by the appellant and the appellant has not produced any further documents to substantiate the claim for future treatment. Hence, the claim under that head had rightly been negatived. With regard to transportation and nourishment, she would submit that the appellant has already been sufficiently compensated by the Tribunal and there is no necessity to increase the same. Therefore, she seeks dismissal of the appeal.

6. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. It is not disputed that for accidents that had taken place in the year 2005, a sum of Rs.1,000/- per percentage of disability that had caused due to the accident was the norm. Admittedly, the appellant had suffered 36% disability, but the Tribunal had granted only Rs.30,000/-, which is contrary to the norm. Hence, the compensation awarded under the said head would have to be Rs.36,000/- and therefore this Court holds that the appellant would be entitled for a further sum of Rs.6,000/- (Rupees Six Thousand only) under the said head.

8. The appellant had suffered a fracture of his right lower limb, which had been treated with rods and screws and he had also undergone surgery for the same. Apart from that, he had also suffered severe injury on his left shoulder.



The same is also evidenced by the medical records that had been marked as Ex.P21.

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9. This Court is of the view that a sum of Rs.5,000/- (Rupees Five Thousand only) granted under the head of Pain and Suffering is a very meagre sum, as claimed by the appellant. Under that head, this Court holds that the appellant would be entitled for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) as against Rs.5,000/- awarded by the Tribunal.

10. With regard to the claim of the appellant relating to medical bills, as rightly pointed out by the learned counsel for the respondent, the appellant, except producing Ex.P20, has not produced any document to substantiate the medical expenses that had incurred to treat the injuries that had been caused due to the accident.

11. In such view of the matter, this Court do not find any error in the compensation granted under the said head. However, considering the fact that the appellant has also placed on record the future treatment that he had taken under Exs.P22, P24, P25 and P27, this Court comes to the conclusion that the Tribunal earlier had not granted any compensation under the said head and therefore this Court fixes the compensation towards future medical expenses at Rs.5,000/- (Rupees Five Thousand only)



12. With regard to transportation and nourishment, as rightly pointed out, the Tribunal had granted Rs.5,000/-, for which the appellant has not placed any materials to interfere with the same. Hence, the claim of the appellant under the said head stands rejected.

13. Therefore the award granted by the Learned Motor Accidents Claims Tribunal, stands modified by this Court, as tabulated hereunder:-

The Compensation awarded by this Court in comparison with the previously awarded compensation by the Tribunal:

Sl. Nos.	Title of the Heads	Compensation awarded by the Tribunal (in Rupees)	Compensation awarded by this Court (in Rupees)	Final Amount (in Rupees)	Amount Confirmed /Enhanced /Reduced
1	Partial Permanent Disability	Rs.30,000/-	Rs.6,000/-	Rs.36,000/-	Enhanced
2	Pain and Suffering	Rs.5,000/-	Rs.20,000/-	Rs.25,000/-	Enhanced
3	Medical Expenses	Rs.14,935/-	-	Rs.14,935/-	Confirmed
4	Transport and Nourishment	Rs.5,000/-	-	Rs.5,000/-	Confirmed
5.	Future Medical Expenses	-	Rs.5,000/-	Rs.5,000/-	Awarded
6.	Total	Rs.54,935/-	Rs.31,000/-	Rs.85,935/-	Enhanced



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14. In fine, the appeal stands partly-allowed. It is needless to state that the appellant would also be entitled for interest at the rate of 7.5% per annum from the date of claim petition till the date of payment. No costs.

13-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The District Court,
Motor Accident Claims Tribunal,
Nagapattinam.



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K.KUMARESH BABU, J.

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