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C.M.A.No. 183 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.02.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 183 of 2026

Narasimman

...Appellant

Vs.

1. Gayathiri

2. M/s. United India Insurance Company Limited,

Represented by its Manager, No.77, Oriental Complex,

A.A. Street, Salem 636 001

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, praying to enhance the compensation amount awarded by the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, in M.C.O.P. No.492 of 2022, dated 08.07.2024.

For Appellant : Mr. S.P. Yuvaraj

For Respondents : Mr. D. Venkatachalam for R2

R1 - Notice dispensed with.



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JUDGMENT

WEB COPY The present Appeal is directed against the award of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, in M.C.O.P. No.492 of 2022, dated 08.07.2024.

2. The appellant is the claimant in M.C.O.P. No.492 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, and he filed claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.40,00,000/- for the injuries sustained by him in a road accident that took place on 07.08.2022.

3. Shortly stated, on 07.08.2022, at about 18.30 hours, the appellant/claimant was riding TVS XL Motorcycle bearing Registration No.TN-24-AP-3270 at Chennai-Krishnagiri National Highways. At that time, while he was stopping the vehicle to cross the road at Orappam junction, an Innova car bearing Registration No. TN-54-K-9333 belonging to the 1st respondent, driven by its driver in a rash and negligent manner without observing any traffic rules, came in high speed and dashed against the two



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wheeler of the appellant/claimant, due to which the appellant/claimant sustained injuries and was treated at Government Hospital, Krishnagiri and then at Nathan's Speciality Hospital, Krishnagiri.

3.1. According to the claimant, the rash and negligent driving of the driver of the car was the cause of the accident and that since the said vehicle was insured with the 2nd respondent, the United India Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to him.

4. The claim petition was resisted by the 2nd respondent/Insurance Company.

5. The Tribunal, after analysing the evidence on record, came to the conclusion that the accident took place as alleged and the claimant was entitled for compensation and accordingly, a compensation of Rs.10,44,000/- has been awarded carrying interest at the rate of 7.5% per annum.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal under Section 173 of the



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Motor Vehicles Act, 1988.

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7. Mr. S.P. Yuvaraj, learned counsel for the appellant submits that, though the claimant was earning a sum of Rs.20,000/- by way of working as a mason, doing agricultural work and milk business, the Tribunal had awarded only a meagre amount of Rs.1,32,000/- per annum. He further submitted that the Tribunal has awarded meagre amounts under all the heads. Hence, prayed for enhancement of the compensation awarded by the Tribunal.

8. On the side of the respondent/Insurance Company it is submitted that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

9. Heard on both sides. Records perused.

10. There is no dispute with regard to the manner of accident. As alleged by the claimant, but for rash and negligent driving of the offending vehicle it would not have taken place. The findings recorded by the learned claims Tribunal is therefore, sustained.



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11 On a perusal of the Award, it is seen that the Tribunal had fixed the annual income of the petitioner at Rs.1,32,000/- based on cost inflation index, since no proof of income was produced by the claimant. However, considering the year of accident, this Court deems it fit to fix the notional monthly income of the claimant as Rs.17,000/- and 25% is added towards future prospects. Accordingly, loss of earning capacity of the appellant is calculated as here under:

Notional monthly Income : Rs.17,000/-

Adding Future prospects 25% : Rs.21,250/-

Loss of earning capacity : $21,250 \times 12 \times 14 \times 25/100$
: **Rs.8,92,500/-**

Considering the nature of injuries and the period of hospitalization, the compensation awarded under the heads of transportation, nourishment, damages to clothes, and loss of amenities need to be enhanced.



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12. The following tabular column would show the amount awarded by

the Tribunal and the modified amount awarded by this Court.\

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Loss of earning capacity	5,77,500/-	8,92,500/-	enhanced
2.	Pain and sufferings	60,000/-	60,000/-	confirmed
3.	Transportation expenses	15,000/-	25,000/-	enhanced
4.	Additional nourishment	15,000/-	25,000/-	enhanced
5.	Damages to the clothes	1,400/-	5,000/-	enhanced
6.	Loss of amenities and Attender charges	50,000/-	75,000/-	Enhanced
7.	Medical expenses	2,85,100/-	2,85,100/-	confirmed
8.	Future medical expenses	40,000/-	50,000/-	Enhanced
	Total	10,44,000/-	14,17,600/-	Enhanced by Rs.3,73,600/-

14. In the result,

i. The Civil Miscellaneous Appeals are partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced to Rs.14,17,600/-.



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iii. The appellant/claimant is directed to pay court fee for the enhanced

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decree only after receipt of Court fee.

iv. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation amount of Rs.14,17,600/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.492 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

v. The appellant is not entitled to any interest for the default period in filing this appeal.

vi. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

06.02.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:

1. Special Sub Judge

Motor Accident Claims Tribunal, Krishnagiri.

2. United India Insurance Co., Ltd.,

Rep. By its Manager,

No.77, Oriental Complex, AA Street

Salem – 635 001

3. The Section Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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