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C.M.A.No.165 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.165 of 2023

Karunanithi

... Appellant

Versus

1. Venkatesh

2. The Branch Manager,

United India Insurance Co. Ltd.,

50-A, Pallivasal Street,

Perumbalur.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.119 of 2020, dated 28.10.2022, on the file of the Motor Accidents Claims Tribunal, Principal Sub-Judge, Ariyalur.

For Appellant	: Mr. S. Kamadevan
For R2	: Mr. D. Bhaskaran
	R1 – Ex-Parte



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JUDGMENT

WEB COPY This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No.119 of 2020, dated 28.10.2022 on the file of the Motor Accidents Claims Tribunal, Principal Sub-Judge, Ariyalur.

2. Briefly stated, on 07.10.2020 at about 5.00 pm when the petitioner was riding his two wheeler, TVS XL Super bearing Reg.No.TN-61-P-7698 on the left side of Ariyalur-Thiruvaiyaru Main Road, near Punavasal Cut Road, following the traffic rules and regulations, a Bharath Benx Lorry bearing Reg.No.TN-31-BJ-8299 driven by its driver in a rash and negligent manner and endangering public safety came from the opposite direction and dashed against the petitioner. As a result of the accident, the petitioner got thrown out of his vehicle and sustained grievous injuries. The petitioner was immediately taken to the Government Hospital, Thiruvaiyur for first-aid and thereafter was admitted at Thanjore Medical College Hospital. He was treated as an inpatient from 07.10.2020 to 09.11.2020 and is still undergoing treatment. The 1st respondent is the owner/driver of the vehicle and the 2nd respondent is the insurer of the vehicle and hence both are jointly and severally liable to pay the compensation to the petitioner with interest and cost. The claimant filed the above M.C.O.P claiming compensation of Rs.30,00,000/- for the injuries sustained in the said accident.



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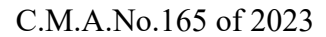
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3.The 2nd respondent/Insurance Company resisted by the claim petition by stating that the 1st respondent was driving carefully adhering to the traffic rules and regulations blowing horn and that it was the petitioner who came in the middle of the road and was driving in a rash and negligent manner. The accident happened due to the contributory negligence on the part of the petitioner. Hence, the 2nd respondent / Insurance Company is not liable for payment of any compensation to the claimant and prayed for dismissal of the claim petition.

4.The claims Tribunal framed necessary issues and came to a conclusion that the accident took place only due to the rash and negligent driving of the Lorry bearing Registration No.TN-31-BJ-8299 belonging to the 2nd respondent/Insurance and awarded a compensation of Rs.4,38,500/- to the claimant.

5.Seeking enhancement of compensation, the present civil miscellaneous Appeal is filed by the claimant.

6.The learned counsel for the appellant/claimant contended that the compensation awarded by the Tribunal cannot be considered as just and reasonable as the appellant is permanently disabled and that the tribunal ought to have applied



7. Per contra, the learned counsel for the respondent/Insurance Company submitted that the award passed by the learned Tribunal is just and reasonable, which warrants any interference by this Court.

9. Considering the facts and circumstances of this case, the year of accident and the plight of the claimant, this Court deems it fit to enhance the disability suffered. The amount awarded for disability of 85% with loss of income at Rs. 15,000/- along with future prospects of 30%, and using multiplier 13, it is enhanced to Rs.25,85,700/- (19,500 x 12 x 13 x 85%). Compensation granted under the other heads are also enhanced.



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10. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability(85%)	4,25,000	25,85,700 (15,000 x 30% x 12 x 13 x 85%)	Enhanced
2.	Loss of income(30% future prospects and multiplier 13)	7,500		
3.	Transportation	1,000	20,000	Enhanced
4.	Extra Nourishment	2,000	20,000	Enhanced
5.	Pain and suffering	2,000	1,00,000	Enhanced
6.	Damages	1,000	1,000	Confirmed
7.	Attender Charges	Nil	20,000	Enhanced
	TOTAL	4,38,000/-	27,46,700/-	Enhanced by 23,08,700/-

11. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to



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Rs.27,46,700/-

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(iii) The appellant/ claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional court fee.

(iv) The 2nd respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.27,46,700/- (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.119 of 2020, dated 28.10.2022 on the file of the on the file of the Motor Accidents Claims Tribunal, Principal Sub-Judge, Ariyalur, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(v) The appellant/claimant is not entitled for any interest for the default period in filing the above appeal.

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

17.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

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To:

1. The Principal Sub-Judge,
Motor Accidents Claims Tribunal, Ariyalur.
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

vsn

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