



WEB COPY



C.M.A.No.141 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.141 of 2026

Udhaya Kumar

... Appellants

Versus

1. Rajesh Murugesan
2. The Oriental Insurance Co. Ltd.,
No. 115, Prakasam Salai,
Broadway, Chennai 600 104.

... Respondents

PRAYER: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Order made in M.C.O.P.No. 1739 of 2022 dated 17.10.2025, on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellants : Mr. Ramya V. Rao

For R2 : Mr. J. Chandran
R1 – Notice Dispensed With



C.M.A.No.141 of 2026

WEB COPY

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No. 1739 of 2022 dated 17.10.2025, on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

2. Briefly stated, on 28.03.2022, at about 18.45 hours, while the petitioner was standing to cross the road, in front of panchabootham oil store, Kottivakkam, opposite to Indian Oil Bunk, EC Salai, at that time, a car bearing Reg. No. KL 07 BM 3214, was trying to take U-turn, in a rash and negligent manner, hit the petitioner, and caused the accident. As a result, the petitioner sustained grievous injuries. FIR was registered, against the driver of the offending vehicle. The petitioner was aged about 41 years at the time of the accident. He was an auto driver, earning upto Rs.20,000 a month. Due to the injuries suffered, he is unable to carry out his activities as before. The 1st Respondent being the owner, and the 2nd Respondent, being the insurer of the car.

3. As compensation a sum of Rs.10,00,000/- was claimed but the Tribunal awarded a sum of Rs.1,47,500/- which is meager. Challenging the said award, the appellant is before this Court.



C.M.A.No.141 of 2026

WEB COPY

4. The learned counsel for the 2nd respondent/ Insurance Company submits that the accident occurred due to the negligence of the 1st Respondent and denies the manner of accident. He also denies the age, occupation and income of the petitioner, and also denies that the 1st respondent did not possess a valid driving license at the time of the accident. He also submitted that, the 1st Respondent, followed the traffic rules and regulations while making the U-turn, and it was the petitioner who crossed the road suddenly without seeing the car and dashed against the same. The learned counsel would further submit that the petition ought to have been dismissed as it is misconceived and devoid of merits.

5. Heard both sides and records perused.

6. Considering the facts and circumstances of the case, this Court deems it fit to fix the loss of income as Rs.16,500/- per month for 4 months (Rs. 66,000/-). The Tribunal awarded Rs.20,000/- towards pain and suffering, which is hereby enhanced by Rs.10,000/-. The Tribunal has awarded Rs.20,000/- towards loss of amenities which is also enhanced by Rs.10,000/-.

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



C.M.A.No.141 of 2026

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Loss of Income	33,000	66,000
2.	Disability	48,000	48,000
3.	Medical Expenses	5,000	5,000
4.	Transport	2,500	2,500
5.	Extra Nourishment	15,000	15,000
6.	Damages	1000	1000
7.	Pain & Suffering	20,000	30,000
8.	Attender	3,000	3,000
9.	Loss of Amenities	20,000	30,000
	TOTAL	1,47,500/-	2,00,500/-

9. As a result of the aforesaid discussion,

(i) the present appeal is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.2,00,500/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(ii) The respondent/Corporation is directed to pay the above said compensation amount now determined by this Court to the appellants along



C.M.A.No.141 of 2026

with interest and costs, less the amount already deposited, if any, within a period of twelve (12) weeks from the date of receipt of copy of this judgment.

(iii) On such deposit, the appellants are permitted to withdraw their share as per the apportionment made by the Tribunal along with interest and cost, less the amount already withdrawn, if any.

30.01.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

- 1.The IV Court of Small Causes,(Court of Small Causes)
The Motor Vehicle Accident Tribunal,
Chennai
- 2.The Section Officer,
VR Section, High Court, Madras.



WEB COPY



C.M.A.No.141 of 2026

K.GOVINDARAJAN THILAKAVADI,J.

vsn

C.M.A.No.141 of 2026

30.01.2026