



C.M.A.No.1144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.1144 of 2023

Babu

S/o.Gothandaraman

... Appellant

VS

1.K.Vadivel

S/o.Kasi Nadar

[R1 already set *ex parte* in Lower Court]

2.United India Insurance Company Ltd.,

Motor III Party Clams Office,

Shilling Building,

No.134, Greams Road,

Chennai – 6.

... Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.09.2021 passed in M.C.O.P.No.365 of 2014 on the file of Motor Accident Claims Tribunal, II Court of Small Causes, Chennai and enhance the award amount in the interest of justice.

For Appellant : Mrs.Jayanthi Bhaskar
for Mr.J.Mahalingam

For Respondents : Not ready in notice [R1]
Ms.V.Pushpa [R2]



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JUDGMENT

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[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

Not being satisfied with the quantum of compensation awarded by the Tribunal in and by its judgment and decree dated 04.09.2021 passed in M.C.O.P.No.365 of 2014 on the file of Motor Accident Claims Tribunal, II Court of Small Causes, Chennai, appellant/claimant has filed the present appeal.

2. For the sake of convenience, the appellant herein is referred to as 'claimant' and the second respondent is referred to as 'Insurance Company'.

3. The brief facts of the case is as follows:

On 19.09.2016 at about 01.30 p.m., while the claimant was crossing G.S.T. Road at Padalam junction, a car bearing Registration No.TN-06-A-6000 driven in a rash and negligent manner dashed against the claimant owing to which the claimant sustained grievous injuries. Since the accident had happened only due to the rash and negligent driving of the Car, the claimant has filed the claim petition seeking compensation in a sum of Rs.30,00,000/-.



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4. The claim was resisted by insurance company by filing a detailed counter.

5. To prove the case, on the side of claimant, 2 witnesses were examined and 11 documents were marked. On the side of insurance company, none were examined and no exhibits were marked.

6. On appreciation of materials on record, the Tribunal found that the accident had occurred owing to the rash and negligent driving of the Car belonging to first respondent and held that the insurance company, as insurer of the Car was liable to pay compensation. Accordingly, the Tribunal awarded a sum of Rs.92,500/- as compensation. The said sum was directed to be paid together with interest at 7.5% p.a. from the date of petition till the date of realization. Challenging the same, claimant has filed the present appeal.

7. Learned counsel for claimant submitted that the claimant was a painter and he is unable to continue his avocation due to the injuries suffered



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in the accident. The claimant suffered fracture of both superior and inferior public rami with straddle fracture, fracture of all four pubic rami, both bones fracture of right leg and left leg, injury to the genitourinary tract, head injuries and several other injuries. The claimant was treated as in-patient for nearly 83 days, which is evident from Exs.P2, P3 and P4. PW-2 - Doctor assessed permanent disability at 40%. However, Tribunal has not awarded compensation towards disability on the ground that the claimant was not examined by the Medical Board. Learned counsel submitted that the monthly income of the claimant was fixed at Rs.9,000/- which is very much on the lower side. Learned counsel further submitted that the compensation awarded under the other heads is on the lower side.

8. *Per contra*, learned counsel for insurance company made his submissions supporting the award passed by the Tribunal.

9. This Court has considered the rival submissions. Perused the materials on record.



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10. Considering the fact that the accident took place in the year 2016, this Court is of the view that it is appropriate to fix a sum of Rs.14,000/- as the monthly income of claimant. Considering the nature of injuries sustained by the claimant and period of treatment undergone by him as also the assessment of disability at 40% by Doctor-PW2, this Court awards a sum of Rs.80,000/- towards disability. Since this Court fixed a sum of Rs.14,000/- as the monthly income, the compensation awarded under the head 'loss of earning during treatment' for 3 months is enhanced to Rs.42,000/- [14,000 * 3].

11. This Court also finds that the compensation awarded under the heads 'transportation charges', 'extra nourishment' and 'medical expenses' is on the lower side and hence, the same is enhanced to Rs.15,000/-, Rs.15,000/- and Rs.25,000/- respectively. This Court finds that the compensation awarded under the other heads is justifiable.



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12. Accordingly, the modified compensation would be:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	-	80,000/-
2.	Pain and sufferings	40,000/-	40,000/-
3.	Loss of earning during treatment	27,000/-	42,000/-
4.	Medical expenses	500/-	25,000/-
5.	Loss of amenities	10,000/-	10,000/-
6.	Attender charges	5,000/-	5,000/-
7.	Transportation charges	5,000/-	15,000/-
8.	Extra nourishment	5,000/-	15,000/-
	Total	92,500/-	2,32,000/-

In the result, the Civil Miscellaneous Appeal is allowed. The compensation of **Rs.92,500/-** awarded by the Tribunal is hereby enhanced to **Rs.2,32,000/-**. The second respondent insurance company is directed to deposit the enhanced compensation of **Rs.2,32,000/-** (Rupees Two Lakhs and Thirty Two Thousand only), less the amount already deposited, together with interest at 7.5% p.a. from the date of petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit being made by second respondent insurance company, first



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respondent/claimant is permitted to withdraw the same, along with accrued interest and costs, less the amount, if any already withdrawn by him, by filing necessary application before the Tribunal. No costs.

[C.V.K., J] [K.R.S., J]
04.03.2026

Speaking / Non-speaking order
Index: Yes/No
NCC:Yes/No
gm

To
The Motor Accident Claims Tribunal,
II Court of Small Causes,
Chennai.



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