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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2026

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.No.758 of 2022

Sudhan ... Appellant

Vs.

1. Selvaraji

2. Divisional Manager,
The National Insurance Company Limited,
No.19, Officers Line, Vellore. ...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 22.11.2019 passed in MACTOP No.1683 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

For Appellant : Mr.F.Terry Chella Raja

R1 : No appearance

For R2 : Mr.S.Senthil Kumar

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J U D G M E N T

The unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the injuries sustained by the claimant in a road accident that took place on 29.09.2015.

3. According to the claimant, on 29.09.2015 at about 09.30 pm, the claimant was riding his Honda Shine motorcycle bearing Registration No TN 25 AJ 6296 towards Tiruvannamalai to Kallakurichi main road. While he was nearing Meyyur Vaajpaai Nagar, at that time, a Hero Splendor Pro motorcycle bearing Registration No TN 25 AP 2570 ridden by its rider in a rash and negligent manner and dashed against the claimant's motorcycle, as a result of which, the claimant sustained grievous and multiple injuries all over his body.

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4. The first respondent did not appear before the Tribunal and he was called absent and was set *ex parte.*

5. The second respondent therein has filed a counter statement wherein they denied the manner of accident. It is also stated that the accident was not occurred due to rash and negligent act of the first respondent's vehicle. The accident had occurred only due to rash and negligent act of the claimant.

6. Before the Tribunal, on behalf of the claimant, the claimant was examined himself as PW1 and Ex.P1 to Ex.P10 were marked. On behalf of the second respondent, RW1 was examined and Ex.R1 was marked. The disability certificate issued by the Medical Board was marked as Ex.C1.

7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only due to rash and negligent act of the rider of the offending vehicle. The Tribunal also ordered

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pay and recover on the ground that at the time of accident the rider of the offending vehicle did not have valid and effective driving license to drive the vehicle.

8. With regard to quantum of compensation, the Tribunal considering the nature of injuries sustained by the claimant and the claimant also appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 15% and adopted percentage method and awarded compensation of Rs.45,000/- under the head permanent disability. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Permanent disability	45,000/-
2.	Pain and sufferings	20,000/-
3.	Loss of amenities	15,000/-
4.	Extra nourishment and damages to clothes	15,000/-
5.	Attender charges	5,000/-
6.	Medical expenses	7,612/-
7.	Loss of income (2 months)	12,000/-

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S.No	*Heads*	*Amount awarded by the Tribunal*
8.	Transport charges	10,000/-
	Total	**Rs.1,29,612/-**

9. Aggrieved over the same, the claimant has preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellant / claimant would submit that the Tribunal failed to consider the age, income and occupation of the claimant. At the time of accident, the claimant was aged about 24 years and working as Electrician and earned about Rs.9,000/- per month as income in the year 2015 whereas the Tribunal fixed a sum of Rs.6,000/- per month as notional income of the claimant. The Tribunal has failed to consider the nature of injuries sustained by the claimant and also failed to consider the number of days he took treatment as inpatient. The compensation awarded by the Tribunal under various heads are very meagre and hence prays to enhance the compensation.

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11. Per contra learned counsel for the second respondent / Insurance Company would submit that upon appreciation of evidence adduced on either side, considering the nature of injuries sustained by the claimant and considering the disability assessed by the medical board, the Tribunal had rightly awarded compensation, which does not require any interference by this Court.

12. Heard learned counsel for the appellant, learned counsel for the second respondent and perusal the materials available on record.

13. There is no dispute with regard to the manner of accident and the entire negligence fixed on the part of the rider of the offending vehicle. At the time of accident, the claimant did not possess valid and effective driving license to drive the vehicle. Therefore, the Tribunal ordered pay and recover which does not require any interference.

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14. With regard to quantum of compensation, it is relevant to note that the accident took place on 29.09.2015, the Tribunal fixed a sum of Rs.3,000/- per percentage of disability which appears to be meagre and this Court is inclined to fix a sum of Rs.5,000/- per percentage of disability and accordingly, a sum of Rs.75,000/- (Rs.5,000/- x 15%) is enhanced under the head permanent disability. According to the claimant, he was working as electrician and was earning a sum of Rs.9,000/- per month. In the absence of proof of monthly income of the claimant, the Tribunal awarded a sum of Rs.12,000/- under the loss of income for two months, which is meagre. Considering the fact that the accident took place of the year 2015 and considering the age of the claimant, this Court is inclined to fix a sum of Rs.6,000/- as notional monthly income of the claimant. On account of the accident, the claimant would not have been in a position to attend to his work atleast for five months. Therefore, (Rs.6,000/- x 5) Rs.30,000/- is enhanced towards loss of income. The compensation awarded by the Tribunal under the heads pain & sufferings, loss of amenities, extra nourishment and attender charges are appears to be meagre and the same are enhanced to Rs.25,000/-, Rs.25,000/-, Rs.25,000/- and Rs.10,000/-,

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respectively. The compensation awarded by the Tribunal under other heads are proper and reasonable which does not require any interference.

15. The following tabular column would show the amount enhanced by this Court under various heads ;

S.No	***Heads***	***Amount awarded by this Court***
1.	Disability	75,000/-
2.	Pain and sufferings	25,000/-
3.	Loss of amenities	25,000/-
4.	Extra nourishment	25,000/-
5.	Attender charges	10,000/-
6.	Medical expenses	7,612/-
7.	Loss of income (Rs.6,000/- x 5)	30,000/-
8.	Transport charges	10,000/-
	Total	**Rs.2,07,612/-**

16. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.2,07,612/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

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17. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced to **Rs.2,07,612/-.**

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

iv. The second respondent, the National Insurance Company Limited, Vellore, is directed to deposit the enhanced compensation amount of **Rs.2,07,612/-** (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 MACTOP No.1683 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order, in the first instance and then recover the same from the first respondent / owner of the vehicle on the same cause of action. (Pay and Recover).

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v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal.

30.10.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
mtl

To

1. The Motor Accident Claims Tribunal
Special Sub Court, Tiruvannamalai.

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

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M.JOTHIRAMAN, J.

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