



C.M.A.No.3233 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

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THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3233 of 2025

S.Basavaraj

.. Appellant /Petitioner

Vs.

1. P.V.Saranraj

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

No.104-A, Ranga Building,

Peramanur Main Road,

Near Four Road, Salem – 636 007.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation awarded in M.C.O.P.No.34 of 2016 dated 09.04.2019 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court at Namakkal.

For Appellant : Mr.MA.P.Thangavel

For R1 : Notice is dispensed with

For R2 : Mrs.R.Srividhya



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JUDGMENT

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This Civil Miscellaneous Appeal has been preferred by the claimant against the Award dated 09.04.2019 passed in M.C.O.P.No.34 of 2016 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Namakkal, for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellant/claimant and the learned counsel for the second respondent. Perused the relevant records.

4. The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.10,00,000/- for the injuries sustained by the claimant on account of the road traffic accident that occurred on 18.04.2025.

5. At trial, to substantiate the claim on the claimant' side, two witnesses were examined and eight documents were marked. On the side of the respondent, neither any witness was examined nor any document was marked.



6. Upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, the Tribunal granted compensation of Rs.4,22,750/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts granted under different heads are given hereunder:-

Towards loss of income during the treatment period – Rs.10,000/-: towards transport charges – Rs.5,000/-: towards extra-nourishment – Rs.10,000/-: towards medical expenses – Rs.1,87,750/-: towards pain and sufferings – Rs.45,000/- and for partial permanent disability – Rs.1,65,000/- in total a sum of Rs.4,22,750/- was awarded.

7. The learned counsel for the appellant/claimant would strenuously argue that for the injuries sustained by claimant, the P.W.2/Dr.Arunraj assessed the disability at 55%, whereas, the Tribunal granted Rs.3,000/- per percentage, which is inadequate. It is further contended that the claimant was working as Welder in a lorry building shop and earning a sum of Rs.15,000/- per month. But the Tribunal had taken notional monthly income of the claimant at Rs.5,000/- which is less. For the compound fracture suffered by the claimant, the Tribunal granted loss of income only for two months which is inadequate and hence, sought for enhancement of compensation.

8. Per contra, the learned counsel for the second respondent/Insurance Company would strenuously contend that, as per the age, avocation and the injuries suffered by the claimant, the amounts awarded by the Tribunal under



various heads appear to be reasonable and, therefore, it does not warrant any interference by this Court.

9. The manner in which the accident took place is not in dispute. It has come on record through the evidence of P.W.1 that on account of the accident, he suffered compound fracture of lateral condyle right femur and intra-articular open injury right knee. As per Ex.P4-discharge summary issued by the Bharathi Multi Speciality Hospital, he was admitted on 19.07.2015 at the above hospital and got discharged on 04.05.2015. For the above stated fracture and injuries, wound debridement was done. For the right knee, retinacular repair with fixation of lateral condyle using K-wire with cancellous screw was done. The Doctor who treated the injured has been examined as P.W.2 and he has assessed the disability of the claimant at 55%. In consideration of the injuries and the fractures suffered by the claimant, as per the medical records, by relying upon the testimony of P.W.2, this Court deems it fit to fix the functional disability at 48%. Therefore, for the partial and permanent disability, a sum of Rs.1,92,000/- (48 x Rs.4000/-) is granted.

10. It is the evidence of P.W.1 that he was working as a Welder in the lorry building shop and was earning Rs.15,000/- per month. To substantiate the said details, neither any document is marked and nor any witness was examined. As no substantial proof is available for the income of the claimant,



in consideration of the aforesaid details, notional income of the claimant is taken as Rs.15,000/- per month. The age of the claimant is 23 at the relevant point of time. In consideration of the fracture suffered by the claimant, a sum of Rs.60,000/- is granted towards loss of income during the treatment period. For the attender charges, a sum of Rs.15,000/- is granted. For loss of amenities, a sum of Rs.20,000/- is granted. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and it does not warrant any interference by this court. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For partial and permanent disability	Rs.1,65,000/-	Rs.1,92,000/-	Enhanced
2	For Pain and Sufferings	Rs. 45,000/-	Rs. 45,000/-	Confirmed
3	For Medical Expenses	Rs.1,87,750/-	Rs.1,87,750/-	Confirmed
4	For loss of income during the treatment period	Rs. 10,000/-	Rs. 75,000/-	Enhanced
5	For Transport Expenses	Rs. 5,000/-	Rs 5,000/-	Confirmed
6	For Extra Nourishment	Rs. 10,000/-	Rs. 10,000/-	Confirmed
7	For Loss of Amenities	--	Rs. 20,000/-	Granted
8	For Attender charges	--	Rs. 15,000/-	Granted
9	Total	Rs.4,22,750/-	Rs.5,49,750/-	Enhanced
	Rounded off to		Rs.5,50,000/-	



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11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,22,750/- to Rs.5,50,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

12. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.4,22,750/- to Rs.5,50,000/- .

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.5,50,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of M.C.O.P.No.34 of 2016 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court at Namakkal within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is permitted to withdraw the same along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.



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(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected Civil Miscellaneous Petition, if any stands closed.

02.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

- 1.The Motor Accident Claims Tribunal/
Chief Judicial Magistrate Court at Namakkal.

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



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R. KALAIMATHI, J.

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