



CMA. No.224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.02.2026

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

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Anbalagan

...Appellant

Vs.

1. Sri Balaji Travels,
No.1/118, Nobel Street, Alandur,
Chennai – 16.
(Since R1 remained exparte before the Tribunal
his presence may be dispensed with)

2. The Divisional Manager,
The United India Insurance Company Limited,
T.K.M. Complex, First Floor, Katpadi Road,
Vellore – 632 004.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, pleased to enhance and to set aside the award dated 12.04.2018 and made in M.A.C.T.O.P.No.136 of 2017 on the file of the Motor Accident Claims Tribunal, the Special Sub Court, Tiruvannamalai.

For Appellant : M/s. N. Lavanya,
for Mrs. M. Malar

For Respondents : M/s. I. Malar (for R2)
: Ex-Parte - R1



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JUDGMENT

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This Civil Miscellaneous Appeal has been filed challenging the enhancement of compensation awarded by the Motor Accident Claims Tribunal, the Special Sub Court, Tiruvannamalai, in M.A.C.T.O.P.No.136 of 2017 dated 12.04.2018.

2. The brief facts of the case is that on 31.07.2016 at about 10.00 a.m., the appellant/claimant was travelling in the Car bearing Registration No.TN-32-F-006 from Tiruvannamalai to Tindivanam Main Road, proceeding from West to East towards Melmalaiyanoor Village. At that time, when the car was proceeding on the extreme left side of the road near Kadambai Mariamman Temple, another Car bearing Registration No. TN-22-DA-4933 came from the opposite direction. The said vehicle was driven in a rash and negligent manner and dashed against the appellant's car. Due to the impact, the appellant sustained multiple fractures on his right knee and injuries on his right hand, right upper arm, forehead, left hand, chin, cheek and other parts of the body. Immediately after the accident, he was taken to Government Tiruvannamalai Medical College Hospital, where he underwent treatment as in patient from 31.07.2016 to 04.08.2016. The offending vehicle belonged to the



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first respondent and was duly insured with the second respondent at the time of the accident. Hence, both the respondents are jointly and severally liable to pay compensation to the petitioner. The petitioner has therefore claimed a sum of Rs.10,00,000/- as compensation for the injuries sustained by him in the said accident. Hence, the petition.

3. The first respondent remained *ex-parte* and the claim petition was contested by the second respondent/Insurance Company.

4. On receipt of notice, the second respondent filed a counter statement denying the age, income and the injuries said to have been sustained by the claimant. According to the second respondent, the accident took place because of the careless and negligence of the driver of the car in which the injured was travelling. He also submitted that the second respondent/Insurance Company is not liable to pay any compensation to the injured claimant and prayed for dismissal of the claim petition.

5. Before the Tribunal, the claimant examined himself as PW1 and one Mrs. Vasanthi as PW2 and marked Exs.P1 to P12. On behalf of the



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respondents in the claim petition, neither any witness was examined nor any document was marked. Exs.C1 and C2 are the medical reports relating to the claimant/PW2.

6. Upon appreciation of the oral and documentary evidence, the Tribunal awarded a total sum of Rs.3,83,900/- as compensation payable to the claimant with interest at the rate of 7.5% per annum from the date of filing the claim petition till the date of payment.

7. Assailing the aforesaid award passed by the Tribunal, the present appeal has been filed by the claimant seeking enhancement of compensation.

8. The learned counsel for the appellant submitted that at the time of accident, the appellant was aged 48 years and was earning a sum of Rs.30,000/- per month as a Highways Contractor. However, the Tribunal fixed his monthly income at Rs.20,000/- and awarded a sum of Rs.60,000/- towards functional disability at the rate of Rs.3,000/- per percentage of disability. While doing so, the Tribunal failed to take into consideration the nature and extent of the injuries sustained by the appellant/claimant. He further submitted



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that the appellant was initially taken to Government Hospital, Tiruvannamalai and subsequently he had taken treatment at Prasanth Super Speciality Hospital, Chennai from 31.07.2016 to 04.08.2016, besides he continued his treatment at Vel's Ortho, Chennai. Even though the disability of the appellant was assessed as 20%, the Tribunal failed to consider that the appellant had totally lost his income. In any event, the Tribunal did not award adequate compensation towards transportation, attendant charges, future medical expenses and it calls for interference by this Court.

9. Per contra, the learned counsel for the second respondent/Insurance Company justified the award passed by the Tribunal. According to the learned counsel, for the 20% disability suffered by the appellant, the compensation awarded by the Tribunal is just and proper and does not warrant any enhancement. Therefore, he prayed for dismissal of this appeal.

10. Heard the learned counsel appearing for both sides and perused the materials available on record.



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11. It is seen from the award of the Tribunal that a sum of Rs.60,000/- was awarded towards disability at the rate of Rs.3,000/- per percentage of disability, which appears to be very meagre. Taking note of the fact that the accident took place during the year 2016, this Court is inclined to fix a sum of Rs.5,000/- per percentage of disability. Accordingly, the compensation under this head is scaled up to Rs.1,00,000/-. Similarly, for pain and suffering, the sum of Rs.25,000/- awarded is found to be inadequate. Considering that the claimant was hospitalized for more than 40 days, the amount of Rs.25,000/- is enhanced to Rs.40,000/-. With regard to Extra Nourishment, the Tribunal awarded only Rs.10,000/- and it is very low, therefore, the same is enhanced to Rs.20,000/-. The Tribunal also awarded a sum of Rs.20,000/- as Loss of Earning, which is also hereby enhanced to Rs.25,000/-.



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12. In view of the above, the compensation awarded by the Tribunal

is modified as under :-

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Functional Disability	Rs.60,000/-	Rs.1,00,000/-	Enhanced
2.	Pain and sufferings	Rs.25,000/-	Rs.40,000/-	Enhanced
3.	Loss of Earning	Rs.20,000/-	Rs.25,000/-	Enhanced
4.	Medical Expenses	Rs.2,58,900/-	Rs.2,58,900/-	Confirmed
5.	Transportation	Rs.10,000/-	Rs.10,000/-	Confirmed
6.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-	Enhanced
	Total	Rs.3,98,900/-	Rs.4,53,900/-	Enhanced amount Rs.55,00/-

13. In the result, this Civil Miscellaneous Appeal is partly allowed.

(i) The compensation is enhanced to **Rs.4,53,900/-** from **Rs.3,98,900/-**.

(ii) The second respondent/Insurance Company is directed to deposit the enhanced award amount along with interest at the rate of 7.5% from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this



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judgement.

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(iii) On such deposit, the Tribunal shall transfer the compensation amount to the bank account of the appellant through RTGS within a period of two (2) weeks thereafter, subject to payment of Court fee on the enhanced compensation by the appellant.

(iv) There shall be no order as to costs.

12.02.2026

Index:Yes/No

Speaking/Non-speaking order

Neutral Case Citation : Yes/No

klr

To

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

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

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K.GOVINDARAJAN THILAKAVADI, J.

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