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C.M.A.No. 2564 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 22.01.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 2564 of 2024

Rajam

...Appellant

Vs.

1. Venkatachalam

2. Manjunathan

3. The HDFC ERGO General Insurance Co. Ltd.,

No.356/1, 3rd Floor, Empire Arcade,

Omalur Main Road, Opp: New Bus Stand,

Salem District 636 004.

4. Sengottuvel

... Respondents

Prayer: These Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the decree and judgment passed in M.C.O.P.No.204 of 2022 dated 06.03.2024 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge No.I, Salem.

For Appellant : Mr. T.S.Arthanareeswaran.

For Respondents : Mr. K. Vinod for R3.

R1, R2 & R4 – No appearance.



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JUDGMENT

WEB COPY The present Appeal is directed against the award of the Motor Accident Claims Tribunal, Special Sub Court No.I, Salem, in M.C.O.P.No.204 of 2022 dated 06.03.2024.

2. The appellant is the claimant in M.C.O.P.No.204 of 2022 on the file of the of the Motor Accident Claims Tribunal, Special Sub Court No.I, Salem, and she filed claim petition under Section 166(3) of the Motor Vehicles Act, 1988 seeking compensation of Rs.20,00,000/- for the injuries sustained by her in a road accident that took place on 15.07.2021.

3. Shortly stated, on 15.07.2021, the petitioner was travelling as pillion rider, along with her husband Sengottuvel, on their two wheeler Honda Shine bearing Reg.No.TN 34 U 0950 to attend work at Pethampetti lake under the 100 days work scheme. At about 9.15 a.m., near Panchayat Union Middle School at Vattur Pethampatti, a Tata Motors Medium Goods Vehicle bearing Registration No.TN 28 AZ 3535, driven by its driver with high speed in a rash and negligent manner, suddenly crossed the road from left to right without any signal, and hit the two wheeler of the petitioner, as a result of which, the



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petitioner and her husband fell down and sustained multiple injuries. They were admitted in the hospital at Tiruchengode, and she was there as inpatient from 15.07.2021 to 21.07.2021. On 16.07.2021, she underwent a surgery for Posterior Stabilisation. FIR was registered against the driver of the offending vehicle.

3.1. According to the claimant, the rash and negligent driving of the driver of the Tata Motors Medium Goods Vehicle was the cause of the accident and that since the said vehicle was insured with the 3rd respondent, the HDFC ERGO General Insurance Co. Ltd., the owner and the insurer are jointly and severally liable to pay compensation to her.

4. The claim petition was resisted by the 3rd respondent/Insurance Company.

5. The Tribunal, after analysing the evidence on record, came to the conclusion that the accident took place as alleged and the claimant was entitled for compensation. Compensation of Rs.3,29,648/- has been awarded carrying interest at the rate of 7.5% per annum.



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6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Mr. T.S.Arthanareeswaran, learned counsel for the appellant submits that, at the time of accident the claimant was doing agricultural coolie work earning a sum of Rs.15,000/- per month. However, the Tribunal fixed her income at Rs.9,000/-, which is very meagre. He would further submit that the permanent disability is assessed as 15% by the Regional Medical Board and the Tribunal has adopted per percentage method for determination of compensation and fixed Rs.5,000/- per percentage and awarded a sum of Rs.75,000/- (15 x 5000) towards permanent disability to the petitioner, which is very meagre and the same has to be enhanced. He further submitted that the Tribunal awarded very meagre amount under the heads of pain and sufferings, transport expenses to the hospital, extra nourishment, attender charges, loss of amenities. Hence, prayed for enhancement of the compensation awarded by the Tribunal.

8. On the side of the respondent/Insurance Company it is submitted that,



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the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

9. Heard on both sides. Records perused.

10. There is no dispute with regard to the manner of accident, as alleged by the claimant, but for rash and negligent driving of the offending vehicle it would not have taken place. The findings recorded by the learned claims Tribunal is therefore, sustained.

11. On a perusal of the Award, it is seen that the Tribunal had fixed the monthly income of the claimant at Rs.9,000/- since no income proof has been produced by the claimant and hence, the same does not warrant any interference. Considering the year of the accident, this Court deems it appropriate to fix a sum of Rs.7,000/- for each percentage instead of Rs.5,000/- awarded by the Tribunal. Further, considering the nature of injuries, the amounts awarded under the heads of pain and suffering and extra nourishment is enhanced to Rs.1,00,000/- and Rs.15,000/- respectively.



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WEB COPY 12. The following tabular column would show the amount awarded by the Tribunal and the modified amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Pain and sufferings	50,000/-	1,00,000/-	Enhanced
2.	Loss of Income	18,000/-	18,000/-	Confirmed
3.	Medical Expenses	1,45,648/-	1,45,648/-	Confirmed
4.	Transportation expenses	10,000/-	10,000/-	Confirmed
5.	Extra nourishment	10,000/-	15,000/-	Enhanced
6.	Attender charges	10,000/-	10,000/-	Confirmed
7.	Damages to clothes	1,000/-	1,000/-	Confirmed
8.	Loss of amenities	10,000/-	10,000/-	Confirmed
9.	Permanent Disability	75,000/- (15x5000)	1,05,000/- (15 x 7,000)	Enhanced
	Total	3,29,648/-	4,14,648/-	Enhanced by Rs.85,000/-

13. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced to Rs.4,14,648/-.
- The appellant/claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the



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decree only after receipt of Court fee.

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- iv. The 3rd respondent/Insurance Company is directed to deposit the enhanced compensation amount of Rs.4,14,648/- (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 M.C.O.P.No.204 of 2022 dated 06.03.2024 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge No.I, Salem, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.
- v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

22.01.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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- To:
1. The Special Subordinate Judge No.I,
Motor Accident Claims Tribunal, Salem.
 2. The HDFC ERGO General Insurance Co. Ltd.,
No.356/1, 3rd Floor, Empire Arcade,
Omalur Main Road, Opp: New Bus Stand,
Salem District 636 004.
 3. The Section Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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