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THE HIGH COURT OF JUDICATURE AT MADRAS

C.M.A.No. 1146 of 2024

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DATED: 22.01.2026

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 1146 of 2024

Sengottuvel

...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.

... Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment passed in MCOP.No.1583 of 2021 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 – No appearance.



C.M.A.No. 1146 of 2024

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.1583 of 2021 dated 06.03.2024.

2. The appellant is the claimant in M.C.O.P.No.1583 of 2021 on the file of the of the Motor Accident Claims Tribunal, Special Sub Court No.I, Salem, and filed claim petition under Section 166(3) of the Motor Vehicles Act, 1988 seeking compensation of Rs.15,00,000/- for the injuries sustained by him in a road accident that took place on 15.07.2021

3. Shortly stated, on 15.07.2021, the petitioner, along with his wife Rajam, was going in his 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 Reg.No. TN 28 AZ 3535, driven by its driver at a 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 petitioner and his wife fell down and



C.M.A.No. 1146 of 2024

sustained multiple injuries. They were then admitted at a hospital in Tiruchengode for first aid. Thereafter, the petitioner was shifted to RKR Neuro Specialty Hospital, Erode for further treatment and was given treatment as inpatient from 17.07.2021 to 22.07.2021. 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 bearing Reg.No.TN 28 AZ 3535 was the cause of the accident and since the said vehicle was insured with the 3rd respondent, HDFC ERGO General Insurance Co. Ltd., the owner and the insurer were jointly and severally liable to pay compensation to him.

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

5. The Tribunal, after analyzing the evidence on record, came to the conclusion that the accident took place as alleged and that the claimant was entitled for compensation from the respondents. Compensation of Rs.1,33,477/- has been awarded carrying interest at the rate of 7.5% per



C.M.A.No. 1146 of 2024

WEB COPY

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant filed this 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 appellant/claimant was doing agricultural coolie work earning a sum of Rs.18,000/- per month. However, the Tribunal fixed his income at Rs.10,000/-, which is very meagre. He further submitted that the Tribunal awarded very meagre amount under the heads of pain and sufferings, loss of income, 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, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.



C.M.A.No. 1146 of 2024

WEB COPY 9. Heard on both sides. Records perused.

10. There is no dispute with regard to the manner of the accident as alleged by the claimant; but for the 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 injured claimant at Rs.10,000/- since no proof of income has been produced by the claimant. Considering the year of accident, this Court deems it fit to fix the monthly income of the injured claimant at Rs.15,000/-. Further, considering the nature of injuries, the amounts awarded under the heads of pain and suffering, extra nourishment and attender charges are enhanced to Rs.50,000/-, Rs.15,000/- and Rs.10,000/- respectively.

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



C.M.A.No. 1146 of 2024

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/enhanced/granted
1.	Pain and Sufferings	25,000/-	50,000/-	Enhanced
2.	Loss of Income	10,000/-	15,000/-	Enhanced
3.	Medical Expenses	67,477/-	67,477/-	Confirmed
4.	Transportation Expenses	10,000/-	10,000/-	Confirmed
5.	Extra Nourishment	10,000/-	15,000/-	Enhanced
6.	Attender Charges	5,000/-	10,000/-	Enhanced
7.	Damages to Clothes	1,000/-	1,000/-	Confirmed
8.	Loss of Amenities	5,000/-	5,000/-	Confirmed
	TOTAL	1,33,477/-	1,73,477/-	Enhanced by Rs.40,000/-

13. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.1,73,477/-.
- iii. The appellant/claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The Third respondent/Insurance Company is directed to deposit the enhanced compensation amount of Rs.1,73,477/- (less the amount already deposited) together with interest at the rate of 7.5% per annum



C.M.A.No. 1146 of 2024

from the date of claim petition till the date of deposit to the credit of

WEB COPY M.C.O.P.No.1583 of 2021 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

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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.

7/8



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C.M.A.No. 1146 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

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C.M.A.No. 1146 of 2024

22.01.2026