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C.M.A.No.1786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 1786 of 2023

Siva Saravanan

.... Petitioner

Vs

1.Rajendran

2.Palanivel

3.Oriental Insurance Company Ltd.,

Rep. by its Branch Manager,

Karur Main Road,

Velauthampalayam,

Karur District – 639 117.

.... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to enhance the award amount passed in MCOP No.976 of 2018 dated 06.06.2023 on the file of the Motor Accident Claim Tribunal/Sub Court at Kangeyam, Tiruppur District, with interest and costs.

For Appellant : Mr.M.Selvam

For R1 & R2 : No appearance

For R3 : Mr.S.Arunkumar

JUDGMENT

This appeal has been filed under Section 173 of Motor Vehicles Act by the appellant/claimant seeking enhancement of the compensation awarded in



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M.C.O.P. No.976 of 2018 on the file of the Motor Accident Claims Tribunal,
Subordinate Judge, Kangeyam, Tiruppur District.

2.The brief facts of the case are as follows :

On 10.10.2017, at about 07.30 p.m., while the petitioner was walking on the Kodumudi-Muthur Road, a two wheeler bearing Registration No.TN-47-S-8024 driven in a rash and negligent manner, hit him from behind. Due to the said accident, the petitioner sustained grievous injuries and underwent surgery at Ganga Hospital, Coimbatore. He was hospitalized for about 20 days and incurred medical expenses to the tune of Rs.10,00,000/-. At the time of accident, the petitioner was aged about 42 years and was earning a sum of Rs.20,000/- per month as a priest. Due to the injuries sustained and the resultant disability, he suffered loss of income. FIR was registered against the rider of the said two wheeler. The claimant filed a claim petition seeking compensation of Rs.30,00,000/-.

3. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred in the manner alleged and that the claimant was entitled to compensation. However, the Tribunal awarded only a sum of Rs.6,55,118/-.



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4. Aggrieved over the same, the present Civil Miscellaneous Appeal has been preferred by the appellant/claimant seeking enhancement of compensation.

5. The learned counsel appearing for the appellant/claimant contended that the Tribunal erred in awarding a meagre sum of Rs.6,55,118/- as compensation as against the claim of Rs.30,00,000/-, without properly appreciating the fact that the appellant had sustained permanent functional disability due to the injuries and had consequently suffered loss of future earning capacity. It is further submitted that the appellant sustained grievous injuries, viz., abrasion over right parietal region, pelvic with both hip; inter-trochanteric fracture of the right hip with femour AP/LPT; and fracture of the distal one-third of both bones of the left leg. The appellant underwent surgery and took treatment as an in patient from 10.10.2017 to 30.10.2017. Though the Medical Board assessed the disability at 15%, the Tribunal mechanically adopted the same and awarded compensation by fixing Rs.5,000/- per percentage, which is inadequate. Further, the Tribunal erroneously fixed the notional monthly income of the appellant at Rs.9,000/- and granted loss of income only for three months despite the evidence showing that the appellant was working as a priest. It is further contended that the amounts awarded under the other heads are on the lower side, viz., Rs.40,000/- towards pain and suffering; a sum of Rs.7,000/- towards nutrition and a sum of Rs.18,000/-

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towards attender charges, which are very low and meager considering the nature of injuries and period of treatment. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

6. Per contra, the learned counsel for the third respondent/Insurance Company submitted that the Tribunal, upon considering the materials available on record, has awarded 'just compensation' which requires no interference by this Court. However, he did not raise any objection to accepting the Payment advice now produced by the claimant.

7. Considering the nature of injuries sustained by the appellant, his age, period of treatment and other attending circumstances, this Court is inclined to re-assess the compensation. Accordingly, this Court awards a sum of Rs.1,05,000/- (Rs.7,000 * 15%) towards permanent disability; a sum of Rs.40,000/- (Rs.10,000 * 4 months) towards loss of income; a sum of Rs.60,000/- towards pain and suffering ; a sum of Rs.15,000/- towards nutrition; and a sum of Rs.20,000/- towards attender charges. Insofar as the amount awarded by the Tribunal under the heads of medical expenses and transportation are concerned, this Court finds the same to be reasonable and proper and hence, they don't require any modification. This Court is inclined to award a sum of Rs.15,000/- towards loss of amenities.

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8.The following tabular column shows the compensation awarded by the

Tribunal and the enhanced compensation awarded by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Loss of income	(Rs.9,000 * 3 months) 27,000/-	(Rs.10,000 * 4 months) 40,000/-	Enhanced
2.	Permanent disability	(Rs.5,000 per percentage * 15%) 75,000/-	(Rs.7,000 per percentage * 15%) Rs.1,05,000/-	Enhanced
3.	Pain and Suffering	40,000/-	60,000/-	Enhanced
4.	Transportation	10,000/-	10,000/-	Confirmed
5.	Medical Expenses	4,78,118/-	4,78,118/-	Confirmed
6.	Nutrition	7,000/-	15,000/-	Enhanced
7.	Attender charges	18,000/-	20,000/-	Enhanced
8.	Loss of amenities	-	15,000/-	Awarded
	Total	6,55,118/-	7,43,118/-	Enhanced by Rs.88,000/-

9. In the result,

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

ii.The compensation awarded by the Tribunal is enhanced to 7,43,118/- from Rs.6,55,118/-.



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- iii. The appellant / claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional Court fee.
- iv. The third respondent / Insurance Company is directed to deposit the enhanced compensation amount as stated above (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.976 of 2018 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Kangeyam, Tiruppur District, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.
- v. The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.
- vi. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

1. The Motor Accident Claims Tribunal,
Subordinate Judge, Kangeyam,
Tiruppur District.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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