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C.M.A.No.3155 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 09.01.2026**

**CORAM**

**THE HONOURABLE MRS. JUSTICE R. KALAIMATHI**

C.M.A.No.3155 of 2025

V.Seetha

...Appellant

vs.

1.M.Shanmugam

2. United India Insurance Co. Ltd.,  
Silingi Building, 4th floor,  
No.134, Greams road,  
Chennai - 600 006.

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation passed in Award dated 08.01.2024 in M.C.O.P.No.5345 of 2021 on the file of the Motor Accidents Claims Tribunal/V- Court of Small Causes, Chennai.

For Appellant : Mr.S.Ravi Kumar

For R-2 : Mr.J.Chandran



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## **JUDGMENT**

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This Civil Miscellaneous Appeal has been preferred against the Award dated 08.01.2024 made in M.C.O.P.No.5345 of 2021 on the file of the Motor Accidents Claims Tribunal/ V-Court of Small Causes, Chennai for enhancement of compensation.

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

3. The claim petition was filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.10,00,000/- for the injuries sustained by the claimant herein in a road traffic accident that took place on 29.11.2021.

4. The Tribunal, upon consideration of the evidence and after hearing arguments advanced by either side, granted compensation of Rs.2,39,500/- with interest at the rate of 7.5% p.a. from the date of numbering of claim petition and the amounts awarded under different heads are given hereunder:



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| S.No | Head                                              | Amount        |
|------|---------------------------------------------------|---------------|
| 1.   | For the disability suffered by the claimant       | Rs.1,15,000/- |
| 2.   | For loss of income during treatment period        | Rs. 18,000/-  |
|      | For pain and sufferings undergone by the claimant | Rs. 25,000/-  |
| 3.   | For mental agony                                  | Rs. 20,000/-  |
| 4.   | For Transport Expenses                            | Rs. 15,000/-  |
| 5.   | For Extra nourishment                             | Rs. 20,000/-  |
| 6.   | For damages to clothes                            | Rs. 1,000/-   |
| 7.   | For attender charges                              | Rs. 500/-     |
| 8.   | For loss of amenities                             | Rs. 25,000/-  |

5. The learned counsel for the appellant/claimant would vehemently contend that the injured, who was 53 years of age at the relevant point of time and who was a flower vendor, has suffered a split depressed type-II fracture of lateral condyle of tibia and the Medical Board fixed his disability at 23%. The Tribunal granted Rs.5,000/- per percentage, which is less. For the fracture suffered by the claimant, as mentioned supra, only for two months, loss of income was computed and granted by the Tribunal, which is also inadequate. He would further contend that the claimant was earning a sum of Rs.700/- per day as a flower vendor, but the Tribunal has



taken the notional income at Rs.9,000/- p.m., which is also on the lower side and sought for enhancement of compensation.

6. *Per contra*, the learned counsel for the second respondent/Insurance Company would strenuously argue that based upon the age, occupation, nature of injuries suffered and other attending circumstances, the amounts granted by the Tribunal under various heads are reasonable and hence, it does not warrant any interference by this Court.

7. It has come on record through the evidence of P.W.1 that the claimant took treatment at KHM Hospital as an out-patient and thereafter, she took treatment at Government Stanley Hospital as per Ex.P4. The District Medical Board assessed her disability at 23% as per Ex.C1.

8. P.W.1 would further state that on account of the accident, she finds it difficult to walk, sit and squat and climb up the stairs. As per the medical records, the age of the claimant is taken as 55 years. Date of accident is 29.11.2021. In consideration of the treatment records, functional disability of the claimant is taken as 23% and for the disability suffered, a sum of Rs.2,07,000/- (Rs.9,000/- x 23%) is granted.



9. Furthermore, P.W.1 would state that she was earning a sum of Rs.700/- per day as a flower vendor. To substantiate the said details, no document is marked. Her PAN card, a copy of her bank passbook have been marked as Exs.P6 and P7. However, from the said details, her monthly income is not deducible. In consideration of abovesaid details, the income of the claimant is taken as Rs.14,000/- p.m. For loss of income during treatment period, Rs.42,000/- (Rs.14,000/- x 3 months) is granted. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable. Therefore, it does not warrant any interference by this Court. The amounts awarded by this Court, as mentioned *supra*, after rework, are tabulated hereunder:

| <b>S. No</b> | <b>Description</b>                       | <b>Amount awarded by Tribunal</b> | <b>Amount awarded by this Court</b> | <b>Award confirmed or enhanced or granted or reduced</b> |
|--------------|------------------------------------------|-----------------------------------|-------------------------------------|----------------------------------------------------------|
| 1            | For disability suffered by the claimant  | Rs.1,15,000/-                     | Rs.2,07,000/-                       | enhanced                                                 |
| 2            | For loss of income                       | Rs. 18,000/-                      | Rs. 42,000/-                        | enhanced                                                 |
| 3            | For pain and sufferings and mental agony | Rs. 45,000/-                      | Rs. 45,000/-                        | confirmed                                                |
| 4            | For transportation charges               | Rs. 15,000/-                      | Rs. 15,000/-                        | confirmed                                                |
| 5            | For extra nourishment                    | Rs. 20,000/-                      | Rs. 20,000/-                        | confirmed                                                |
| 6            | For damages to clothes                   | Rs. 1,000/-                       | Rs. 1,000/-                         | confirmed                                                |
| 7            | For attander charges                     | Rs. 500/-                         | Rs. 500/-                           | confirmed                                                |



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|   |                       |                      |                      |                 |
|---|-----------------------|----------------------|----------------------|-----------------|
| 8 | For loss of amenities | Rs. 25,000/-         | Rs. 25,000/-         | confirmed       |
|   | <b>Total</b>          | <b>Rs.2,39,500/-</b> | <b>Rs.3,55,500/-</b> | <b>Enhanced</b> |

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10. In the result,

(i) The Civil Miscellaneous Appeal stands allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.2,39,500/- to Rs.3,55,500/-.

(iii) The second respondent/Insurance Company is directed to deposit the enhanced compensation amount i.e., Rs.3,55,500/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the date of numbering of the claim petition till the date of realisation to the credit of M.C.O.P.No.5345 of 2021 on the file of the Motor Accidents Claims Tribunal/ V-Court of Small Causes, Chennai, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant is permitted to withdraw the award amount with interest, 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.

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(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

**09.01.2026**

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

To

1.The Judge,  
Motor Accidents Claims Tribunal/V- Court of Small Causes,  
Chennai,

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



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R.KALAIMATHI, J.

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