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C.M.A.No.330 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 330 of 2026

V.Ramalaingam (Died)

1.Shanthi

2.Vignesh

3.Karthik

Velukannu (Died)

.... Appellants

Vs.

1.A.Purushothaman

2.National Insurance Co. Ltd.,
Motor 3rd party claim office,
No.751, Anna Salai,
Chennai -600 002.

3.Kanagammal

.... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to allow Appeal and to enhance the amount awarded in MCOP No. 642 of 2008, dated 23.02.2022, on the file of Motor Accident Claims Tribunal, Tiruvallur at Poonamallee and in the court of the II Additional District and Sessions Judge, Tiruvallur at Poonamallee as prayed for with interest and cost.



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For Appellants : Mr.U.Chithambaram
For R2 : Mr.C.Paranthaman
For R1 & R3 : Notice dispensed with

JUDGMENT

This appeal has been filed under Section 173 of Motor Vehicles Act by the appellant/claimant seeking enhancement of the compensation awarded in MCOP No. 642 of 2008, dated 23.02.2022, on the file of Motor Accident Claims Tribunal Tiruvallur, Poonamallee.

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

On 24.09.2008, at about 4.30 a.m., when the deceased V.Ramalingam, after completing his work, was lying on the sand near the 10 feet platform in Arcot Road, a water lorry bearing Registration No.TCV 9990 reversed rashly and negligently, running over his left leg and causing grievous injuries. The accident occurred only due to the negligent on the part of the driver of the lorry. Hence, the claim petition has been filed seeking compensation.

3. The claimant filed the above MCOP claiming compensation of Rs.16,50,000/- for the injuries sustained in the said accident. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and

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documentary evidence, came to the conclusion that the accident occurred in the manner alleged and that the claimant is entitled to compensation. Pending claim petition, the said Ramalingam died and his legal heirs were impleaded in the claim petition. Pending claim petition, one of the legal heir viz., Velukannu/father of the deceased Ramalingam also died. However, the Tribunal awarded only a sum of Rs.63,000/-, which is inadequate.

4. Aggrieved over the same, the present Civil Miscellaneous Appeal has been preferred by the legalheirs of the deceased Ramalingam seeking enhancement.

5. The learned counsel appearing for the appellants/claimants would contend that the Tribunal erred in awarding a meagre sum of Rs.63,000/- towards pecuniary loss as against the claim of Rs.16,50,000/-, without properly appreciating the fact that the appellant had sustained permanent functional disability due to the injuries sustained in the accident. However, due to Septicemia in the amputated left leg, unfortunately he died after a period of two and a half years, therefore, the cause of death was in continuation of accidental injury. Further, the Tribunal erroneously fixed the



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notional monthly income at Rs.7,000/- despite evidence that the appellant was working as a mason. Further, the Tribunal wrongly taken the permanent disability and fixed the same at 85%. Therefore, the fixation of income and the compensation awarded towards disability warrants enhancement. Further, the Tribunal awarded only a sum of Rs.10,000/- towards transport to hospital ; a sum of Rs.5,000/- towards extra nourishment; a sum of Rs.1,000/- towards loss of damage for clothes and articles and a sum of Rs.5,000/- towards medical expenditure, which are insufficient. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

6. Per contra, the learned counsel for the second 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 claimants.

7. Considering the nature of injuries sustained by the deceased, his age, and other attending circumstances, this Court is inclined to re-assess the compensation and award a sum of Rs.7,14,000/- (Rs.5,000 * 12 * 14 * 85%)



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towards loss of income; a sum Rs.25,000/- towards Extra Nourishment ; a sum of Rs.5,000/- towards medical expenses ; a sum of Rs.1,00,000/- towards pain and suffering and a sum of Rs.30,000/- towards loss of amenities. Insofar as the amounts awarded by the Tribunal under the head of transport to hospital and medical expenses are concerned, this Court finds the same to be reasonable and proper and hence, they don't require any modification.

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.7,000 * 6 months) 42,000/-	(Rs.5,000 * 12 * 85%) 7,14,000/-	Enhanced
2.	Transportation charges	10,000/-	10,000/-	Confirmed
3.	Extra Nourishment	5,000/-	25,000/-	Enhanced
4.	Damages to clothes	1,000/-	5,000/-	Enhanced
5.	Medical Expenses	5,000/-	5,000/-	Confirmed
6.	Pain and Suffering	-	1,00,000/-	Awarded
7.	Loss of amenities	-	30,000/-	Awarded
	Total	63,000/-	8,89,000/-	Enhanced by Rs.8,26,000/-



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- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to 8,89,000/- from Rs.63,000/-.
- iii. The appellants / claimants are 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 second 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.642 of 2008 on the file of the Motor Accident Claims Tribunal, Tiruvallur at Poonamallee within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order. The appellants and the third respondent shall share the enhanced amount as per the apportionment granted by the Tribunal.



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v.On such deposit being made, the claimants are at liberty to withdraw the

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same with costs and interest, after filing a proper petition for withdrawal. Interest for default period, if any, is waived.

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. The Motor Accident Claims Tribunal
(II Additional District and Sessions Judge),
Tiruvallur, Poonamallee.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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