



C.M.A.No.3718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 16.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 3718 of 2025

R. Babu

...Appellant

Vs.

1. Y. Ahamed Basha
2. Liberty General Insurance Company Limited,
C6, D6, E6, F6, Level V,
ANMOL PALANI,
No.88, G.N. Chetty Road,
T. Nagar, Chennai 600 017

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Order dated 14.12.2023 made in M.C.O.P. No.1451 of 2020 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.I, Small Causes Court, Chennai.

For Appellant : Ms. Ramya V. Rao

For Respondents : Mr. M.B. Raghavan
for M/s. M.B. Gopalan Associates
for R2
R1 – No appearance.



C.M.A.No.3718 of 2025

JUDGMENT

WEB COPY

This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant / claimant for enhancement of the sum awarded in M.C.O.P. No.1451 of 2020 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.I, Small Causes Court, Chennai.

2. Shortly stated, on 20.02.2020 at about 21:15 hours, the claimant was travelling in a motorcycle bearing Registration No.TN-19-AA-9508 as a pillion rider at Kovalam-Kelambakkam Salai, Jothi Nagar. At that time, near Sirpalace Thirumana Mandapam, an auto bearing Registration No.TN-07-CS-0645, driven by its driver in a rash and negligent manner, came from behind and hit the motorcycle in which the appellant/claimant was travelling, as a result of which, the appellant fell down and sustained grievous injuries.

3. The claimant filed the above MCOP claiming compensation of Rs.12,00,000/- for the injuries sustained by him in the said accident. The claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of the Auto and awarded a compensation of Rs.2,29,500/- with cost and interest at



C.M.A.No.3718 of 2025

the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization payable by the 2nd respondent / Insurance Company, at the first instance, with a liberty to recover the same from the 1st respondent since he did not possess valid permit to ply the vehicle at the place and time of accident.

4. Seeking enhancement of compensation, the present Civil Miscellaneous Appeal is filed by the appellant/ claimant.

5. The learned counsel for the appellant/ claimant would contend that the Medical Board has assessed the disability of the appellant/claimant as 30% permanent. He would further submit that, the Tribunal has adopted per percentage method and granted a meagre amount of Rs.5,000/- per percentage of disability and the same should be enhanced. He further submitted that the appellant/ claimant was a painter earning a sum of Rs.30,000/- per month. However, the Tribunal has fixed the notional monthly income of the appellant as Rs.12,000/- without considering the year of accident. Further, due to the grievous injuries, the appellant was out of action for more than six months, however, the tribunal has awarded compensation towards loss of income only



C.M.A.No.3718 of 2025

for two months. Hence, he prayed for enhancement under all relevant heads.

WEB COPY

6. On the other hand, the learned counsel for the 2nd respondent / Insurance Company submitted that, the Tribunal has considered the materials on record and had awarded 'just compensation' which requires any interference by this Court.

7. Considering the facts and circumstances of this case, this Court is inclined to award a sum of Rs.10,000/- towards transportation, Rs.20,000/- towards extra nourishment, Rs.10,000/- towards attender charges and Rs.30,000/- towards loss of amenities and deems it fit in fixing the monthly income of the claimant as Rs.15,000/-. Considering the nature of injuries, the claimant would have been out of action for atleast 4 months. Hence, a sum of Rs.60,000/- is awarded towards loss of income. Further considering the year of accident, this Court deems it fit to fix Rs.9,000/- per percentage of disability. Hence a sum of Rs.2,70,000/- is awarded towards disability.

8.The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.



C.M.A.No.3718 of 2025

WEB COPY

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Disability	1,50,000/- (5,000 x 30)	2,70,000/- (9000 x 30)	Enhanced
2.	Pain and sufferings	30,000/-	30,000/-	confirmed
3.	Transportation	4,000/-	10,000/-	Enhanced
4.	Extra nourishment	10,000/-	20,000/-	Enhanced
5.	Attender charges	1,500/-	10,000/-	Enhanced
6.	Loss of earnings	24,000/- (12,000x2)	60,000/- (15,000x4)	Enhanced
7.	Loss of amenities	10,000/-	30,000/-	Enhanced
	Total	2,29,500/-	4,30,000/-	Enhanced by Rs.2,00,500/-

9. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to 4,30,000/- from Rs.2,29,500/-.

iii. The appellant / claimant is directed to pay court fee for the enhanced



C.M.A.No.3718 of 2025

compensation amount, if any, and the Registry is directed to draft the

decree only after receipt of 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, at the first instance, to the credit of M.C.O.P. No.1451 of 2020 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court No.I, Small Causes Court, Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order, and then recover the same from the 1st respondent/owner of the vehicle.
- 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.

16.02.2026

bgaInternet:

Yes/No

Index:Yes/No

Speaking/Non-speaking order

6/8



C.M.A.No.3718 of 2025

To

WEB COPY

1. The Special Sub Judge No.I,
Motor Accident Claims Tribunal, Small Causes Court, Chennai.
2. Liberty General Insurance Company Limited,
C6, D6, E6, F6, Level V,
ANMOL PALANI
No.88, G.N. Chetty Road,
T. Nagar, Chennai 600 017.
3. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.No.3718 of 2025

K.GOVINDARAJAN THILAKAVADI, J.

bga

C.M.A.No. 3718 of 2025

16.02.2026