



C.M.A.No.3731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 22.01.2026

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

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Udaya Kumar

...Appellant

Vs.

1. D.Velusamy

2. M.Mary

3. Reliance General Insurance Company Ltd.,

T.P.Cell, No.6, Reliance House,

Haddow Road,

Nungambakkam,

Chennai – 600 006.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Judgment dated 12.09.2024 made in MCOP No.3609 of 2019 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Mr. G.Balakrishnan

For Respondents : Mr. P.Suresh Srinivasan for R3

R1 & R2 – Notice dispensed with

JUDGMENT

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



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awarded in M.C.O.P. No.3609 of 2019 on the file of the Motor Accidents

Claims Tribunal, III Court of Small Causes, Chennai.

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

On 17.05.2019 at about 12.30 hours, while the petitioner was travelling as a pillion rider on a motorcycle bearing Registration No.TN-20-BX-1114, proceeding from Moolakar towards Meyyur Road, near Monnavedu Rice Mill opposite, a lorry bearing Registration No.TN-22-AS-3421, coming from the opposite direction, was driven by its driver at a high speed in a rash and negligent manner and dashed against the motorcycle ridden by the deceased. As a result of the said accident, the deceased sustained multiple grievous injuries and died on the spot and the petitioner also sustained injuries.

3. The claimant filed the above MCOP claiming compensation of Rs.20,00,000/- for the injuries sustained by him in the said accident. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred as alleged and that the claimant is entitled to claim compensation. However, the Tribunal awarded only a sum of Rs.99,200/-, which is inadequate.



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

5. The learned counsel for the appellant/claimant would contend that the Tribunal erred in awarding a meagre sum of Rs.99,200/- towards pecuniary loss, as against the claim of Rs.20,00,000/-, without properly appreciating that the appellant had sustained permanent functional disability due to the injuries and had consequently suffered loss of future earning prospects. The appellant sustained grievous injuries, including fracture, soft tissue injuries and multiple sutured lacerations over the right forearm, right knee and right ankle with right medial malleoli chip fracture. Though the Medical Board assessed the disability at 3%, the Tribunal mechanically adopted the same and fixed Rs.5,000/- per percentage, which is inadequate. Further, the Tribunal erroneously fixed the notional monthly income at Rs.15,000/- despite the evidence adduced that the appellant was working as a Carpenter. Therefore, the fixation of income and the compensation awarded towards disability warrant enhancement. Further, the Tribunal awarded only Rs.10,000/- towards pain and suffering, which is insufficient, especially, when the appellant, who is aged 26 years, sustained grievous injuries and underwent treatment at



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Ramachandra Hospital, Porur, Chennai, as an inpatient for 34 days. He further submitted that the compensation awarded towards transportation and extra nourishment are very low. Hence, prayed for enhancement of compensation awarded by the Claims Tribunal.

6. On the other hand, the learned counsel for the 3rd respondent / Insurance Company submitted that, the Tribunal has considered the materials on record and had awarded 'just compensation' which requires no interference by this Court. However, he did not raise any objection in accepting the Payment advice now produced by the claimant.

7. Considering the nature of injuries, age of the appellant, period of treatment and other attending circumstances, this Court is inclined to award a sum of Rs.21,000/- (Rs.7,000 * 3%) towards disability, a sum of Rs.15,000/- towards pain and sufferings and a sum of Rs.15,000/- towards extra nourishment. With regard to the amounts awarded under the heads of transportation, medical expenses, attender charges, damage of clothes, loss of amenities and loss of earning are found very much reasonable and proper and the same does not require any modification.



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WEB COPY 8. The following tabular column would show 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.	Disability	15,000/-	(Rs.7,000/3%) 21,000/-	Enhanced
2.	Pain and Sufferings	10,000/-	15,000/-	Enhanced
3.	Transportation	4,000/-	4,000/-	Confirmed
4.	Medical Expenses	8,970/-	8,970/-	Confirmed
5.	Extra Nourishment	10,000/-	15,000/-	Enhanced
6.	Attender charges	10,200/-	10,200/-	Confirmed
7.	Damages of cloths	1,000/-	1,000/-	Confirmed
8.	Loss of amenities	10,000/-	10,000/-	Confirmed
9.	Loss of earnings	30,000/-	30,000/-	Confirmed
	Total	99,170/- Rounded off Rs.99,200/-	1,15,170/- Rounded off Rs.1,15,200/-	Enhanced by Rs.1,15,200/-

9. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to 1,15,200/- from Rs.99,200/-.



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

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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.3609 of 2019 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai, 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 Accidents Claims Tribunal,
III Court of Small Causes, Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.



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