



C.M.A.No.2553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 13.02.2026

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

C.M.A.No. 2553 of 2024

Arun Kumar

...Appellant

Vs.

- 1.P. Prithiv Raj
2. The Manager,

Reliance General Insurance Company Limited,
TP Cell No.6, Reliance House, Haddows Road,
Nungambakkam, Chennai.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 08.01.2024 made in M.C.O.P. No.7559 of 2016 on the file of the Motor Accident Claims Tribunal, II Small Causes Court, Chennai.

For Appellant : Ms. R. Divya Preathika

for Mr. R. Bharath Kumar

For Respondents : Mr. P. Suresh Srinivasan for R2

R1 – Notice dispensed with



C.M.A.No.2553 of 2024

JUDGMENT

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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.7559 of 2016 on the file of the Motor Accident Claims Tribunal, II Small Causes Court, Chennai.

2. Shortly stated, on 09.10.2016 at about 09.00 hours, while the appellant/claimant was riding the Motor Cycle bearing Registration No.TN 22 AS 4929, towards Kalpakkam direction, at OMR Road, near Thiruporur Kalavakkam, a car bearing Registration No. TN-03-Q-4473, coming from Thiruporur Kelampakkam direction, driven by its driver in a rash and negligent manner, dashed against the appellant's two wheeler, due to which, the appellant/claimant sustained multiple grievous injuries all over the body.

3. The claimant filed the above MCOP claiming compensation of Rs.25,00,000/- 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 negligence driving on the part of the driver of the offending vehicle and that the claimant is entitled to claim



C.M.A.No.2553 of 2024

compensation. A compensation of Rs.6,48,041/- is awarded by the Tribunal after deducting 20% for the claimant's contributory negligence, since the claimant had no valid driving license and did not wear helmet at the time of accident.

4. Aggrieved over the same, the present Civil Miscellaneous Appeal is filed by the appellant/claimant.

5. The learned counsel for the appellant/claimant would contend that, the tribunal ought to have awarded compensation to the appellant for loss of earning during treatment period. He further submitted that, the Tribunal went wrong in not awarding any amount towards future medical expenses, considering the appellant's medical conditions, and that the compensation awarded under the other heads are also meagre. Hence, prayed for enhancement of compensation awarded by the Claims Tribunal.

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



C.M.A.No.2553 of 2024

by this Court.

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7. Heard on both sides. Records perused.

8. A perusal of the disability certificate and medical records shows that the claimant would have been out of action atleast for two months on account of the injury sustained by him in the road accident and therefore the loss of income has to be computed for two months. It is stated in the Claim Petition that the appellant was a carpenter at the time of accident. Hence, a sum of Rs.30,000/- is awarded towards loss of earnings for a period of two months by fixing his monthly salary at Rs.15,000/-. Apart from that, considering the serious nature of injuries sustained by the appellant, this Court is of the view that, he would require further medical treatment. Hence, a sum of Rs.20,000/- is awarded towards future medical treatment. The tribunal had awarded just compensation under the other heads, which warrants any interference.

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



C.M.A.No.2553 of 2024

WEB COPY

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Disability	2,00,000/-	2,00,000/-	confirmed
2.	Pain and sufferings	50,000/-	50,000/-	confirmed
3.	Loss of earning for two months	-	30,000/-	granted
4.	Medical bills	4,75,051/-	4,75,051/-	confirmed
5.	Loss of amenities	50,000/-	50,000/-	confirmed
6.	Attender charges	20,000/-	20,000/-	confirmed
7.	Transportation	10,000/-	10,000/-	confirmed
8.	Extra nourishment	5,000/-	5,000/-	confirmed
9.	Future medical expenses	-	20,000/-	granted
	Total	8,10,051/-	8,60,051/-	
		6,48,041/- (after deducting 20% contributory negligence)	6,88,040/- (after deducting 20% contributory negligence)	Enhanced by Rs.39,999/-



C.M.A.No.2553 of 2024

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- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to 6,88,040/- from Rs.6,48,041/-.
- iii. The appellant / claimant is directed to pay court fee for the enhanced 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 to the credit of M.C.O.P. No.7559 of 2016 on the file of the Motor Accident Claims Tribunal, II 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.
- v. The appellant/claimant is not entitled to claim any interest for the default period, if any, in filing this appeal.



C.M.A.No.2553 of 2024

vi. On such deposit being made, the appellant/claimant is at liberty to

withdraw the same, after following due process of law.

13.02.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The II Judge, Court of Small Causes,
Motor Accident Claims Tribunal, Chennai.
2. The Manager,
Reliance General Insurance Company Limited,
TP Cell No.6, Reliance House, Haddows Road,
Nungambakkam, Chennai.
3. The Section Officer,
VR Section,
High Court, Madras.



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C.M.A.No.2553 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

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C.M.A.No. 2553 of 2024

13.02.2026