



C.M.A.No.2792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 25.02.2026

CORAM

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

C.M.A.No. 2792 of 2024

Ayas

...Appellant

Vs.

1. Jabir
2. United India Insurance Company Limited,
Noornal Building, Mysore Road,
Sulthans Bathery, Wayanad, Kerala 673 592
Branch at : 25-A Floor No.2, D.B. Road,
R.S. Puram, Coimbatore 641 002

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 08.02.2024 made in M.C.O.P. No.376 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Coimbatore.

For Appellant : Mr.T.S. Arthanareeswaran

For Respondents : Mrs. I. Malar for R2

R1 – Notice dispensed with

JUDGMENT

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.376 of 2022 on the file of the Motor Accident Claims Tribunal,
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Special Subordinate Court, Coimbatore.

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2. Shortly stated, on 04.12.2021, at about 01.30 p.m., when the appellant / claimant was proceeding to his wife's house at Devalaya in his two wheeler bearing Registration No. TN-43-X-7661, near Nazar Bai Tea Shop at Kumuna Road Junction, a Bolero ZLX BSIV bearing Registration No. TN-43-Y-6767, driven by its driver in a rash and negligent manner, dashed against the appellant's two wheeler, as a result of which, the appellant / claimant sustained fracture in his right leg. Immediately after the accident, the appellant was given first aid at Pandalur Government Hospital and was shifted to Vinayaga Hospital, Batheri, for further treatment.

3. The claimant filed the above MCOP claiming compensation of Rs.15,00,000/- for the injuries sustained by him in the said accident. The 2nd respondent / Insurance Company resisted the said claim petition by stating that the accident was occurred due to the rash and negligent riding of the appellant / claimant and prayed for dismissal of the claim petition.



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4. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving on the part of the 1st respondent and that the claimant is entitled to claim compensation. After analysing the oral and documentary evidence, the Tribunal awarded a compensation of Rs.3,58,390/- to the claimant and directed the 2nd respondent / Insurance Company to pay the said award amount together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

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

6. The learned counsel for the appellant/claimant would contend that, the Medical Board did not examine the appellant / claimant in a proper manner and did not also issue the disability certificate in the prescribed format. Further, it is contend that the Tribunal has fixed a very meagre amount of Rs.5,000/- percentage of disability; that very meagre amounts were awarded under the other heads and that no amount was awarded towards 'Loss of Income' and "future medical expenses". Hence, prayed for enhancement of



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compensation awarded by the Claims Tribunal.

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7. 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.

8. Heard on both sides. Records perused.

9. On a perusal of the impugned order, it is seen that the appellant claimant has not proved that the disability suffered by him affected his income and that he requires further treatment and hence the Tribunal has not awarded any amount towards 'Loss of Income' and for 'future medical expenses'. However, considering the year of accident, it would be appropriate to fix Rs.10,000/- per percentage of injuries. Accordingly Rs.3,00,000/- (10000x30) is awarded towards permanent disability. Considering the nature of injuries suffered by the appellant, a sum of Rs.10,000/- awarded by the Tribunal towards "Extra nourishment" is enhanced to Rs.30,000/-. Compensation awarded by the tribunal under the other heads are confirmed.



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

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Permanent Disability	1,50,000/- (30 x 5000)	3,00,000/- (30 x 10000)	Enhanced
2.	Transport Expenses	10,000/-	10,000/-	confirmed
3.	Extra nourishment	10,000/-	30,000/-	Enhanced
4.	Attender charges	10,000/-	10,000/-	confirmed
5.	Damages of clothes and articles	5,000/-	5,000/-	confirmed
6.	Medical Bills	73,390/-	73,390/-	confirmed
7.	Pain and sufferings	60,000/-	60,000/-	Confirmed
8.	Loss of Amenities	40,000/-	40,000/-	confirmed
	Total	3,58,390/-	5,28,390/-	Enhanced by Rs.1,70,000/-

11. In the result,

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

ii.The compensation awarded by the Tribunal is enhanced to 5,28,390/-



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from Rs.3,58,390/-.

- 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.376 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Coimbatore, 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

To

1. The Special Subordinate Judge, Motor Accident Claims Tribunal,
Coimbatore.
2. United India Insurance Company Limited,
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Sulthans Bathery, Wayanad, Kerala 673 592

Branch at : 25-A Floor No.2, D.B. Road,
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