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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2026

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.No.3602 of 2026

K.Parameswari ... Appellant

Vs.

1. M/s.Murugan Idli Shop,
Old No.46, New No.13,
North Usman Road,
T.Nagar, Chennai – 600 017.

2. The New India Assurance Co. Ltd.,
Motor Third Party Legal Department,
No.45, Moore Street, 5th Floor,
Parrys, Chennai – 600 001.

Policy Issuing Office
The New India Assurance Co. Ltd.,
Periamet (710904) City Branch,
No.1090, Poonamallee High Road,
Periamet, Chennai – 600 084. ...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated

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09.01.2026 passed in MCOP No.5706 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai.

For Appellant : Mr.Amar Dineshbhai Panidya

For R2 : Ms.A.Salomi

JUDGMENT

The unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the injuries sustained by the claimant in a road accident that took place on 07.09.2013.

3. According to the claimant, on 07.09.2013 at about 17.15 hours, the claimant was riding her motorcycle along with her daughter as pillion rider

in Honda Activa Scooter bearing Registration No TN 20 AS 6633 in Ormes

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Road towards Miller road in a cautious and careful manner. While passing near hotel Paramount at Purasawalkam, at that time the first respondent's TVS Super XL motorcycle bearing Registration No TN 09 AT 0498 which came behind the claimant in the same direction at high speed in a rash and negligent manner and hit the claimant's motorcycle. As a result of which, the claimant sustained grievous and multiple injuries all over her body.

4. The first respondent did not appear before the Tribunal and he was called absent and was set *ex parte.*

5. The second respondent therein has filed a counter statement wherein they denied the manner of accident.

6. Before the Tribunal, on behalf of the claimant, the claimant was examined herself as PW1 and Ex.P1 to Ex.P15 were marked. On behalf of the second respondent, RW1 was examined and Ex.R1 to Ex.R4 were marked. The disability certificate issued by the Medical Board was marked as Ex.C1.

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7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only to due to rash and negligent act of the rider of the offending vehicle.

8. With regard to quantum of compensation, the Tribunal considering the nature of injuries sustained by the claimant and the claimant also appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 25% of permanent disability and adopted percentage method and fixed Rs.4,000/- per percentage and awarded compensation of Rs.1,00,000/- under the head disability and loss of earning capacity. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Medical bills	92,848/-
2.	Transportation expenses	10,000/-
3.	Extra nourishment	10,000/-
4.	Attender charges	10,000/-
5.	Disability	1,00,000/-
6.	Loss of earnings	27,000/-
7.	Pain and sufferings	15,000/-
	Total	**Rs.2,64,848/- rounded off to Rs.2,64,900/-**

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9. Aggrieved over the same, the claimant has preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellant / claimant would submit that the Tribunal erred in fixing a sum of Rs.9,000/- per month as notional income of the claimant, which is very meagre. Further would submit that the Tribunal erred in awarding inadequate amount of compensation on all other heads i.e. pain and sufferings, extra nourishment, transportation, attender charges and loss of earning during the treatment period etc. which is also not sustainable and has to be enhanced.

11. *Per contra,* learned counsel for the second respondent / Insurance Company would submit that upon appreciation of evidence adduced on either side, considering the nature of injuries sustained by the claimant and considering the disability assessed by the medical board, the Tribunal had rightly awarded compensation, which does not require any interference by this Court.

12. Heard learned counsel for the appellant, learned counsel for the

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second respondent and perusal the materials available on record.

13. There is no dispute with regard to the manner of accident and the entire negligence fixed on the part of the rider of the offending vehicle. A perusal of Ex.P2 to Ex.P7, Ex.P14 and Ex.P15, medical records reveals that the claimant sustained ‘Schatzker type V tibial plateau fracture communited fracture fibular and other injuries. The claimant has taken treatment as inpatient for five days. It is relevant to note that the claimant has appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 25% partial permanent disability. Considering the age of the claimant at the time of accident and considering the year of accident, the Tribunal has rightly fixed a sum of Rs.4,000/- per percentage of disability and accordingly, awarded a sum of Rs.1,00,000/- (Rs.4,000/- x 25%) under the head disability which does not require any interference. It is relevant to note that the disability is permanent in nature as the claimant sustained fractures injuries in her right leg. In such circumstances, the Tribunal has awarded a sum of Rs.15,000/- under the head pain and sufferings, appears to be meagre and the same is enhanced to Rs.30,000/-. The compensation awarded by the Tribunal under the head extra nourishment appears to be

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meagre and the same is enhanced to Rs.15,000/-.

13.1. According to the claimant, she was doing tailoring work and was earning a sum of Rs.12,500/- per month at the time of accident. In the absence of proof of monthly income of the claimant, the Tribunal fixed a meagre sum of Rs.9,000/- as notional monthly income of the claimant. Considering the fact that the accident took place on 07.09.2013 and considering the age of the claimant, this Court is inclined to fix a sum of Rs.12,000/- as notional monthly income of the claimant. On account of the accident, the claimant would not have been in a position to do her work atleast for six months. Therefore, (Rs.12,000/- x 6) Rs.72,000/- is enhanced towards loss of earnings. The Tribunal has not awarded any compensation under the head loss of amenities and damages to clothes & articles. This Court is inclined to grant a sum of Rs.20,000/- and Rs.1,000/- towards loss of amenities and damages to clothes & articles. The compensation awarded by the Tribunal under other heads are proper and reasonable, which does not require any interference.

14. The following tabular column would show the amount enhanced by this Court under various heads ;

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S.No	*Heads*	*Amount awarded by this Court*
1.	Disability	1,00,000/-
2.	Pain and sufferings	30,000/-
3.	Transportation	10,000/-
4.	Extra nourishment	15,000/-
5.	Loss of earnings (Rs.12,000/- x6)	72,000/-
6.	Attender charges	10,000/-
7.	Medical expenses	92,848/-
8.	Damages to clothes and articles	1,000/-
9.	Loss of amenities	20,000/-
	Total	**Rs.3,50,848/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.3,50,848/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

16. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs.3,50,848/-.**

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iii. The appellant / claimant is directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

iv. The second respondent, the New India Assurance Company Limited, Chennai, is directed to deposit the enhanced compensation amount of **Rs.3,50,848/-** (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 MCOP No.5706 of 2014 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order, in the first instance and then recover the same from the first respondent / owner of the vehicle on the same cause of action. (Pay and Recover).

v. As per order of this Court in CMP No.19427 of 2026 dated 07.10.2026 the claimant is not entitled for any interest on the enhanced compensation for the delay period, if any.

vi. On such deposit being made, the appellant / claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
mtl

M.JOTHIRAMAN, J.

mtl

To

1. The Motor Accident Claims Tribunal
Special Sub Court No.1, Small Causes Court, Chennai.

2.The Section Officer, VR Section, High Court, Madras.

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Order QR

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