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C.M.A.No.3358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3358 of 2025

M.Mohammed Zuber

.. Appellant /Petitioner

Vs.

1.S.Gomathi

2.The New India Assurance Co. Ltd.,

Rep. by its Manager,

Juman Centre, 43A/2 Promenade Road,

Cantonment, Trichy – 620 001.

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award amount passed in M.C.O.P.No.359 of 2022 dated 12.02.2025 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Dharmapuri.

For Appellants : Mr.S.Udayakumar

For R2 : Mr.J.Chandran

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the claimant against the award dated 12.02.2025 made in M.C.O.P.No.359 of 2022 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Dharmapuri, for enhancement of compensation.



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2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellant/claimant and the learned counsel for the second respondent/Insurance Company. Perused the relevant records.

4. The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.40,00,000/- for the injuries sustained by the claimant in a road traffic accident that occurred on 19.12.2021.

5. At trial, to substantiate the claim details on the claimant' side, one witness was examined and sixteen documents were marked. On the side of the second respondent, neither witness was examined and nor any document was produced. Ex.C1 is the Disability Certificate issued by the District Medical Board.

6. Upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, the Tribunal granted compensation of Rs.10,40,084/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts granted under different heads are



given hereunder:-

“Towards permanent disability – Rs.2,00,000/-: toward pain and sufferings – Rs.50,000/-: towards loss of income – Rs.1,20,000/-: towards extra nourishment – Rs.30,000/- towards transportation – Rs.20,000/-; towards attender charges – Rs.10,000/-: towards future medical expenses – Rs.50,000/-: towards medical expenses – Rs.5,60,084/-: in total a sum of Rs.10,40,084/- was awarded.”

7. The learned counsel for the appellant/claimant would strenuously argue that the claimant, who was aged about 22 years at the relevant point of time, had been working as Supervisor of CTP Granite and Export Limited, had suffered fracture of middle right finger, right femur fracture and comminuted talus fracture and the Medical Board assessed his disability at 40%. But the Tribunal granted Rs.5,000/- per percentage, which is inadequate. He would further argue that as per Ex.P8-Salary Certificate, the claimant was earning a sum of Rs.15,000/- per month. But the Tribunal has fixed the notional income at Rs.10,000/- per month which is less and hence, sought for enhancement of compensation.

8. Per contra, the learned counsel for the second respondent/Insurance Company would strenuously contend that, as per the age, avocation and the injuries suffered by the claimant, the amount awarded by the Tribunal under various heads appear to be reasonable and, therefore, it does not warrant any interference by this Court.



9. The manner in which the accident took place is not in dispute. It has come on record through the evidence of P.W.1 that on account of the accident, he suffered fracture of ring finger and fracture of right femur and talus bones. As per Ex.C1-Disability Certificate issued by the District Medical Board, the disability was assessed at 40%. As per Ex.P.3, Ex.P.12 , discharge summaries issued by the Ganga Hospital, Coimbatore, the claimant had taken treatment for 27 days at the first instance and thereafter, for four days as inpatient. In consideration of the age, injuries and fractures suffered by the claimant, a sum of Rs.3,60,000/- is granted for partial and permanent disability. For loss of amenities, a sum of Rs.25,000/- is granted.

10. The date of the accident is 19.12.2021. Though to substantiate the income details, no person connecting to Ex.P.8-Salary Certificate was examined, this Court deems it fit to fix the income of the claimant at Rs.15,000/- per month. In consideration of the fracture suffered by the claimant, a sum of Rs.75,000/- is granted towards loss of income during the treatment period. For pain and sufferings, a sum of Rs.25,000/- is granted in addition to the amount already granted by the Tribunal. For the attender charges, a sum of Rs.10,000/- is granted in addition to the amount already granted by the Tribunal. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant any interference by this court. The compensation awarded by this Court as



mentioned supra is reworked and tabulated as given hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For partial and permanent disability	Rs. 2,00,000/-	Rs. 3,60,000/-	Enhanced
2	For Pain and Sufferings	Rs. 50,000/-	Rs. 75,000/-	Enhanced
3	For loss of income during the treatment period	Rs. 1,20,000/-	Rs. 75,000/-	Reduced
4	For Extra Nourishment	Rs. 30,000/-	Rs. 30,000/-	Confirmed
5	For Transport Expenses	Rs. 20,000/-	Rs. 20,000/-	Confirmed
6	For Attender Charges	Rs. 10,000/-	Rs. 20,000/-	Enhanced
7	For Future Medical expenses	Rs. 50,000/-	Rs. 50,000/-	Confirmed
8	Medical Expenses	Rs. 5,60,084/-	Rs. 5,60,084/-	Confirmed
9	Loss of Amenities	---	Rs. 25,000/-	Granted
	Total	Rs.10,40,084/-	Rs.12,15,084/-	Enhanced
	Rounded off		Rs.12,15,000/-	

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.10,40,084/- to Rs.12,15,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

12. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.



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(ii) The compensation awarded by the Tribunal is enhanced from

Rs.10,40,084/- to Rs.12,15,000/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.12,15,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of M.C.O.P.No.359 of 2022 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Dharmapuri. within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is permitted to withdraw the same along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected Civil Miscellaneous Petition, if any stands closed.

05.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

- 1.The Motor Accident Claims Tribunal
(Chief Judicial Magistrate), Dharmapuri.
2. The Section Officer,
VR Section,
High Court, Madras.



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R. KALAIMATHI, J.

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