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C.M.A.No. 3775 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

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THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 3775 of 2025

K. Reya (Erstwhile Minor)

...Appellant

Vs.

1. A. Velmurugan

2.The Manager,

The United India Insurance Co. Ltd.,

Motor Third Party Claim Office,

South India Co. OP. Building,

III Floor, No.38,Anna Salai,

Chennai 600 002.

... Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award passed in MCOP.No.2253 of 2003 dated 08.08.2025 on the file of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai.

For Appellant : Ms. R. Manoranjitham

For Respondents : Mr. J. Chandran for R2

R1 – Notice dispensed with.



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JUDGMENT

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The present Appeal is directed against the award of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai, in MCOP.No.2253 of 2003 dated 08.08.2025.

2. The appellant is the claimant in MCOP.No.2253 of 2003 on the file of the of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai, and she filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking a compensation of Rs.2,00,000/- for the injuries sustained by her in a road accident that took place on 10.09.2002.

3. Shortly stated, on 10.09.2002, at about 17.30 hours, while the appellant/claimant was walking at Ammaiyyar Kuppam, near R.K. Pettai, a car bearing Registration No.TN 72 D 1829 belonging to the 1st respondent, driven by its driver in a rash and negligent manner, hit the claimant and as a result of which, she sustained grievous injuries. FIR was registered against the driver of the offending vehicle.

3.1. According to the claimant, the rash and negligent driving of the



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driver of the car bearing Registration No.TN 72 D 1829 was the cause of the accident and since the said vehicle was insured with the 2nd respondent, the United India Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to her.

4. The claim petition was resisted by the 2nd respondent/ Insurance Company.

5. The Tribunal, after analyzing the evidence on record, came to the conclusion that the accident took place as alleged and that the claimant was entitled for compensation from the respondents. Compensation of Rs.78,400/- has been awarded carrying interest at the rate of 7.5% per annum.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant filed this present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Ms. R. Manoranjitham, learned counsel for the appellant submits that the Tribunal having found that the appellant sustained fractures in right ankle



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and femur, amputation of part of leg and suffered 25% disability as per Ex.C1

disability certificate, failed to note that due to fracture and amputation, the appellant was limping and awarded only Rs.35,000/- for disability and Rs.5,000/- for loss of amenities. She also contended that due to the accident, the appellant's marriage prospects are also affected and that only meagre amounts were awarded under all the other heads and hence, prayed for enhancement of the compensation awarded by the Tribunal.

8. On the side of the respondent/Insurance Company it is submitted that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

9. Heard on both sides. Records perused.

10. There is no dispute with regard to the manner of the accident as alleged by the claimant; but for the rash and negligent driving of the offending vehicle, it would not have taken place. The findings recorded by the learned Claims Tribunal is therefore, sustained.



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11. On a perusal of the Award, it is seen that the appellant/ claimant had sustained grievous injuries and had taken treatment for 22 days as inpatient as per Ex.P3 discharge summary. Considering the nature of injuries and the present condition of the appellant, as contended by the learned counsel for the appellant, it is obvious that the marital prospects of the appellant are affected. Hence, this Court deems it fit to grant a sum of Rs.25,000/- under the head of 'loss of marital prospects'. Further, considering the nature of injuries and the period of hospitalisation, the sum awarded under the heads of pain and suffering, transportation and loss of amenities are increased to Rs.25,000/-, Rs.5,000/- and Rs.15,000/- respectively.

12. The following tabular column would show the amount awarded by the Tribunal and the modified amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/ enhanced/ granted
1.	Part disability	35,000/-	35,000/-	Confirmed
2.	Pain and suffering	10,000/-	25,000/-	Enhanced
3.	Medical Expenses	16,000/-	16,000/-	Confirmed
4.	Attender charges	4,400/-	4,400/-	Confirmed



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5.	Transportation	3,000/-	5,000/-	Enhanced
6.	Loss of marital life	-	25,000/-	Granted
7.	Loss of amenities	5,000/-	15,000/-	Enhanced
8.	Extra Nourishment	5,000/-	5,000/-	Confirmed
	TOTAL	78,400/-	1,30,400/-	Enhanced by Rs.52,000/-

13. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.1,30,400/-.
- 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 2nd respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.1,30,400/- (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.2253 of 2003, on the file of the Motor Accident Claims Tribunal, VI 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.



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

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28.01.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai,

2. The Manager,

The United India Insurance Co. Ltd.,

Motor Third Party Claim Office,

South India Co. OP. Building,

III Floor, No.38, Anna Salai, Chennai 600 002.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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