



C.M.A.No.3006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 19.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 3006 of 2025

Thilakavathi

.... Appellant

Vs

1.T.Dilli Babu

2.The Manager,

National Insurance Company Limited,

Mortor Third Party Claims Hub,

Regina Mansion, 3rd Floor,

No.46, Moore Street, Chennai – 600 001.

.... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to allow the Civil Miscellaneous Appeal by enhancing the compensation order dated 17.02.2025 passed in MCOP No.2780 of 2018 on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai).

For Appellant

: Mr.K.Balaji

For R1

: Notice Dispensed with

For R2

: Mr.N.Vijayaraghavan



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JUDGMENT

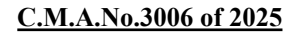
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This appeal has been filed under Section 173 of Motor Vehicles Act by the appellant/claimant seeking enhancement of the compensation awarded in M.C.O.P. No.2780 of 2018 on the file of the Motor Accident Claims Tribunal, (IV Court of Small Causes), Chennai.

2.The brief facts of the case are as follows :

On 13.12.2017, at about 8.40 hours, when the claimant was travelling as a passenger in a van bearing Registration No.TN-01-L-1641, in GST Road, proceeding from Chengalpet to Tambaram, near Karanaiputhuchery signal at Urapakkam, the driver of the said van drove the vehicle in a rash and negligent manner, endangering public safety and suddenly applied brakes. Due to which, the claimant fell down from the van and sustained grievous injuries. FIR was registered against the driver of the said van.

3. The claimant filed the above MCOP claiming compensation of Rs.20,00,000/- for the injuries sustained in the said accident. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred in the manner alleged and that the claimant is entitled to compensation. However, the Tribunal awarded only a sum of Rs.2,30,900/-, which is inadequate.



5. The learned counsel appearing for the appellant/claimant would contend that the Tribunal erred in awarding a meagre sum of Rs.2,30,900/- as against the claim of Rs.20,00,000/-, without properly appreciating the fact that the appellant had sustained partial permanent disability due to the injuries and had consequently suffered loss of future earning capacity. The appellant sustained grievous injuries, including a bimalleolar fracture of the right leg and fractures of the right fibula & tibia bones, and she is unable to carry on her work as she did prior to the accident. It is further contended that though the Medical Board assessed the permanent disability at 24%, the Tribunal mechanically adopted the same and fixed compensation at Rs.5,000/- per percentage, which is inadequate. Though the Tribunal fixed the notional monthly income at Rs.6,621/- per month, the Tribunal erroneously considered loss of income only for a period of three months. Therefore, the fixation of income and the compensation awarded towards disability warrant enhancement. The learned counsel further submitted that the Tribunal awarded only a sum of Rs.10,000/- towards transportation to hospital;

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Rs.10,000/- towards extra nourishment ; Rs.3,000/- towards attender charges; Rs.50,000/- towards pain and sufferings and mental agony; Rs.10,000/- towards loss of amenities; Rs.19,863/- towards loss of income, which are all insufficient, especially considering the fact that the appellant, who was aged about 46 years at the time of accident, sustained grievous injuries and underwent treatment as inpatient for six days. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

6. Per contra, the learned counsel for the second respondent/Insurance Company submitted that the Tribunal, upon considering the materials available on record, has awarded 'just compensation' which requires no interference by this Court. However, he did not raise any objection to accepting the Payment advice now produced by the claimant.

7. Considering the nature of injuries sustained by the appellant, her age, period of treatment and other attending circumstances, this Court is inclined to re-assess the compensation and award a sum of Rs.1,68,000/- (Rs.7,000 * 24%) towards disability ; a sum of Rs.75,000/- towards pain and sufferings; a sum of Rs.30,000/- towards extra nourishment ; a sum of Rs.30,000/- towards transportation ; a sum of Rs.25,000/- towards attender charges ; a sum of Rs.30,000/- towards amenities and Rs.52,968/- (Rs.6621 * 8 months) towards



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loss of income. Insofar as the amounts awarded by the Tribunal under the heads of medical bills and damage to cloth are concerned, this Court finds the same to be reasonable and proper and hence, they are not modified.

8.The following tabular column shows the compensation awarded by the Tribunal and the enhanced compensation awarded by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	For Partial permanent disability	(Rs.5,000 * 24%) 1,20,000/-	(Rs.7,000 * 24%) 1,68,000/-	Enhanced
2.	For Transport to hospital	10,000/-	30,000/-	Enhanced
3.	For extra nourishment	10,000/-	30,000/-	Enhanced
4.	Attender Charges	3,000/-	25,000/-	Enhanced
5.	For pain and sufferings, mental agony	50,000/-	75,000/-	Enhanced
6.	Loss of amenities	10,000/-	30,000/-	Enhanced
7.	Medical Bills	6,993/-	6,993/-	Confirmed
8.	Loss of income	(Rs.6621 * 3 months) 19,863/-	(Rs.6621 * 8 months) 52,968/-	Enhanced
9.	Damage to cloth	1,000/-	1,000/-	Confirmed
	Total	2,30,856/- Rounded off Rs.2,30,900/-	4,18,961/- Rounded off Rs.4,18,960/-	Enhanced by Rs.1,88,060/-



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9. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to 4,18,961/- from Rs.2,30,900/-.
- iii. The appellant / claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional 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.2780 of 2018 on the file of the Motor Accident Claims Tribunal (In the II 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.
- v. The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.



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vi. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

19.02.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Motor Accident Claims Tribunal,
(II Court of Small Causes), Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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