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CMA No. 800 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 800 of 2024

1. Srinivasarao Yalavarthy
S/o.Ramulu Yalavarthy, No.11-2-26/5,
Narasaraopet Mandal, Guntur, Now
res.at No.52, Solapuriyamman Koil St,
Kosapet, Vellore.

Appellant(s)

Vs

1. Siva
S/o.Venkateswaralu, Repenaguntla,
Nakarikallu Mandal, Guntur Dist,
Andhrapradesh 22 615

2.The Divisional Manager
United India Insurance Company Ltd,
Having Office at No. 46-51,
T.K.M.Complex, Katpadi Road,
Vellore.

Respondent(s)



CMA No. 800 of 2024

PRAYER

To enhance the compensation in MCOP.No.222 of 2010 dated 18.10.2023 on the file of the Motor Accidents Claims Tribunal in the Chief Judicial Magistrate, Vellore, Vellore District.

CMA No. 800 of 2024

For Appellant(s): Mr.R.Mohan Babu

For Respondent(s): Mr.J.Michael Visuvasam For R2
R1 - Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in MCOP.No.222 of 2010 dated 18.10.2023 on the file of the Motor Accidents Claims Tribunal in the Chief Judicial Magistrate, Vellore, Vellore District.

2. On 24.12.2009 at about 04.45 a.m, the claimant was travelling in the TATA SUMO car bearing registration No. AP 27 D 6700 at Vellore Palar Bridge, while over taking the auto the said car dashed against the bus, due to which the claimant sustained greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the oral and documentary



evidence, the tribunal awarded compensation of Rs.32,56,100/-. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant submits that due to the said accident the claimant's right eye was removed and replaced with artificial eye ball and his ten teeth's were broken but without considering the above facts the tribunal has awarded very meagre amount as compensation. Further, he submits that the medical board assessed 57% disability but the tribunal has taken only 50% instead of 57% and also future prospects was taken as 20% instead of 50%. Hence, he prays to enhance the compensation.

4. The learned counsel of the respondent submits that the claimant has been doing rice mill business he has not proved that he has lost his income after the said accident. Therefore, the tribunal has rightly fixed compensation which needs no interference.

5. Considering the submissions on either side and also on perusal of records, the facts reveal that the claimant has sustained the following injuries:

- i. RTA fracture facial bones,
- ii. Lacerative Injury Right eye,
- iii. Right upper limb weakness.



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5.1. Further, the claimant's right eye was removed and replaced with eye ball and the claimant was referred to medical board where it was certified that the claimant sustained 57% disability which was marked as Ex.C1. Considering the above, the tribunal has rightly adopted multiplier method but it has taken only 50% disability which is unsustainable. Accordingly, as per the medical board certificate, this Court is inclined to fix 57% as disability. While deciding the income of the claimant based on the income tax statement given by the claimant for the period of 2008-09, 2009-2010, the tribunal has fixed Rs.2,00,000/- as income of the claimant but it has fixed only 20% as future prospects. Admittedly, the accident was happened in the year 2009 at that time the claimant has earned Rs.2,20,000/- per year to that effect he produced the income tax statement based on that the tribunal has fixed Rs.2,00,000/- as annual income of the claimant but the claimant was aged about 34 years at the time of the accident therefore the tribunal ought to have fixed 40% as future prospects of the of the claimant but it has erroneously fixed 20% as future prospects. As discussed above, this Court is inclined to fix 40% as future prospects for the claimant. Further, the the loss of earning and also the loss of



amenities would not arise. Accordingly, the award passed under the head of loss of earning and loss of amenities is ordered to be deleted. However, the claimant

has sustained grievous injuries hence this Court is inclined to fix Rs.1,00,000/- for pain and sufferings and Rs.30,000/- for extra nourishment. Except above modification the order passed by the tribunal in other heads remain unchanged.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.30,000/-	Rs.1,00,000/-
2.	Loss of Income	Rs.25,000/-	Nil
3.	Medical Expenses	Rs.11,71,100/-	Rs.11,71,100/-
4.	Transportation expenses	Rs.20,000/-	Rs.20,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.30,000/-
6.	Attender charges	Rs.20,000/-	Rs.20,000/-
7.	Damages to cloths and article	Rs.10,000/-	Rs.10,000/-
8.	Lost of amenities	Rs.20,000/-	Nil
9.	For permanent disability	Rs.19,20,000/-	Rs.25,53,600/-
10.	Future medical expenses	Rs.30,000/-	Rs.30,000/-
10	Total	Rs.32,56,100/-	Rs.39,34,700/-

7. In view of the discussions made earlier, the compensation awarded by



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the Tribunal is enhanced to **Rs.39,34,700/-**. The 2nd **respondent** is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP. No. 222 of 2010 on the file of the Motor Accidents Claims Tribunal in the Chief Judicial Magistrate, Vellore, Vellore District. , within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is permitted to withdraw the award amount by making formal application before the Tribunal. Further, the interest for the default period is ordered to be waived. The respondent may deduct the amount, if any excessive amount has already been deposited before the tribunal.

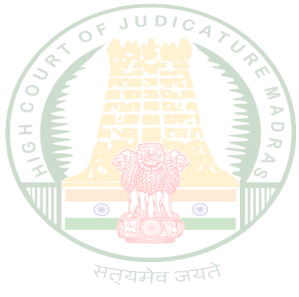
8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

07-08-2025

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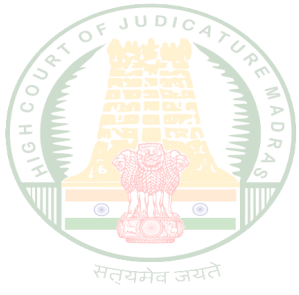
1. The Motor Accidents Claims Tribunal in the Chief Judicial Magistrate, Vellore, Vellore District
2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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