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CMA No. 1555 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1555 of 2025**

1. S. Saravanan

S/o. Soundarapandian, 37/64,  
Egavaliyamman Koil St, Thiruvottiyur,  
Chennai 019.

Appellant(s)

Vs

1. K. Dillibabu

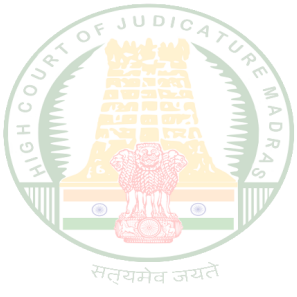
S/o. Kuppusamy Naidu, No.4A, Vijaya  
Garden, 31st Cross Street, Sakthivel  
Nagar, Puzhal, Chennai 066.

2.United India Insurance Co.Ltd.,  
Silingi Building, N.No.134, O.No.40-  
45, Greams Road, Chennai 6.

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to allow the appeal and enhance the compensation in MCOP No.5629 of 2017 dated 14.02.2025 on the file of the Motor Accidents Claims Tribunal Special Sub Court No.1, MACT Small Causes Court, Chennai.



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For Appellant(s): Ms.Ramya V. Rao

For Respondent(s): Mr.D.Venkatachalam For R2  
R-1 - No Appearance

### **JUDGMENT**

The appellant has filed this appeal against the award passed in MCOP.No. 5629 of 2017 on the file of the Motor Accidents Claims Tribunal Special Sub Judge No.I, Small Causes Court, Chennai, dated 14.02.2025.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,33,200/- as compensation, directed the 2<sup>nd</sup> respondent to pay the said amount to the appellant, along with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

3. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.



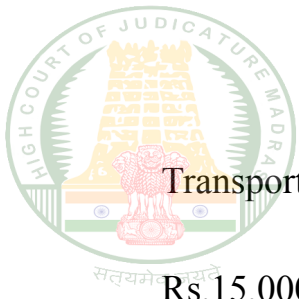
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4. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

5. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

6. The claimant is working as a Trailer Lorry driver and earning Rs.30,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.18,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least four months. Therefore, a sum of Rs.1,08,000/- (Rs.18,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery.

Additionally, the amount awarded by the Tribunal under the heads of



Transportation and Loss of amenities are enhanced to Rs.10,000/- and Rs.15,000/- respectively. The compensation awarded under the other heads by

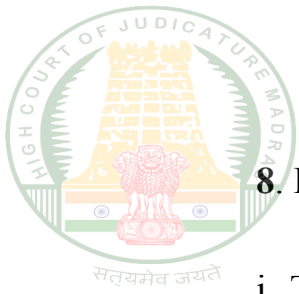
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the Tribunal is confirmed.

7. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

| Sl. No | Heads               | Amount (in Rs.) awarded by the Tribunal | Amount (in Rs.) awarded by the High Court |
|--------|---------------------|-----------------------------------------|-------------------------------------------|
| 1.     | Disability          | 21,000                                  | 21,000                                    |
| 2.     | Pain and sufferings | 45,000                                  | 45,000                                    |
| 3.     | Transportation      | 4,000                                   | 10,000                                    |
| 4.     | Extra Nourishment   | 10,000                                  | 10,000                                    |
| 5.     | Attender charges    | 11,700                                  | 11,700                                    |
| 6.     | Loss of earnings    | 31,500                                  | 1,08,000                                  |
| 7.     | Loss of amenities   | 10,000                                  | 15,000                                    |
|        | Total               | <b>1,33,200</b>                         | <b>2,20,700</b>                           |

Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,33,200/- to Rs.2,20,700/-, which shall carry interest at the rate of 7.5% per annum.



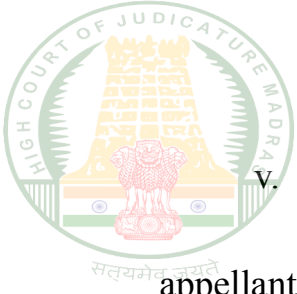
**8. In the result:**

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.1,33,200/- to Rs.2,20,700/-.

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

iv. The 2nd respondent, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.2,20,700/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No.5629 of 2017 on the file of the Motor Accidents Claims Tribunal Special Sub Court No.1, MACT Small Causes Court, Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order.



v. On such deposit being made by the 2<sup>nd</sup> respondent, the appellant/claimant is at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

**23-07-2025**

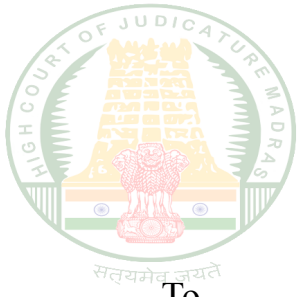
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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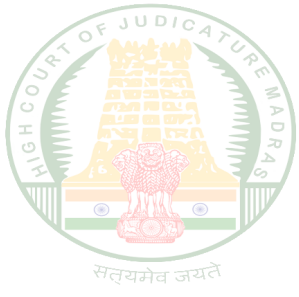


To  
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1. The Motor Accident Claims Tribunal,  
Special Sub Court No.1, MACT Small  
Causes Court, Chennai.

2. United India Insurance Co.Ltd.,  
Silingi Building, N.No.134, O.No.40-  
45, Greaves Road, Chennai 6.

3. The Section officer,  
VR Section, High Court of Madras.



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**T.V.THAMILSELVI J.**  
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