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CMA No.1826 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1826 of 2025

Rathinaswamy

... Appellant

Vs.

1. Dhinesh Kumar

2.United India Insurance Company Ltd.,
Sillingi Building, 4th Floor,
No.134, Greams Road,
Chennai – 6.

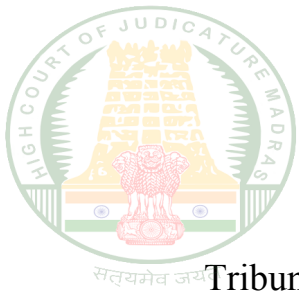
... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to allow the Civil Miscellaneous appeal by enhancing the compensation awarded in the Judgment and Decree, dated 06.11.2023, passed in M.C.O.P.No.4785 of 2015 on the file of the Motor Accident Claims Tribunal (In the V Court of Small Causes, Chennai) and pass orders.

For Appellant	: Mr.K. Balaji
For R2	: Mr.K. Swaminathan
	for R1 Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P.No.4785 of 2015 on the file of the Motor Accident Claims



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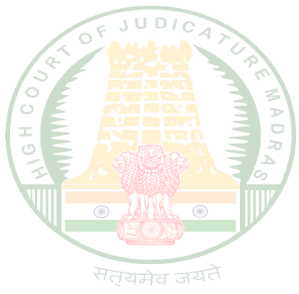
Tribunal (In the V Court of Small Causes, Chennai) dated 06.11.2023.

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2. The brief facts of the case of the appellant/claimant i as follows:

On 23.2.2015 at about 22.00 hours when the appellant was riding his two wheeler bearing Reg.No.TN-03-M-2502 at T.H.Road near Ganga Kaveri Marriage Hall a two wheeler bearing Reg.No.TN-03-M-4990 came behind the appellant in a rash and negligent manner and hit the appellant by and which he sustained grievous injuries. The accident has occurred only due to the rash and negligent driving of the rider of the two wheeler bearing Reg.No.TN-03-M-4990. Hence, the appellant has filed a claim petition before the Tribunal seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,43,500/- as compensation, directing the second 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 realisation.



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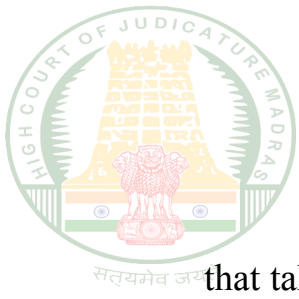
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimants) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.K. Balaji, learned counsel appearing for the appellant, and and Mr.K. Swaminathan learned counsel appearing for the second respondent.

6. 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.

7. 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 disturbed.

8. On going through the amount awarded by the Tribunal, it is seen



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that taking note of the nature of injuries sustained by the appellant and the medical reports of the appellant, the amount awarded under the heads Loss of Income, Pain and suffering, Mental agony, Transportation Expenses and attender charges needs to be enhanced and the same is enhanced accordingly.

9. The Tribunal has taken notional income of the injured as Rs.9,000/- and he would not carried his work for a period of two months and arrived Rs.18,000/-(Rs.9,000x2) under the head loss of income. Considering the nature of the injuries sustained by the claimant and the prevailing cost of living the notional income of the injured is fixed at Rs.14,000/- and thereby the loss of income is arrived at Rs.70,000/- (Rs.14,000/-x 5). Further more the amount awarded under the heads Pain and suffering, Mental agony, Transportation Expenses and attender charges are enhanced to Rs. 25,000/-, 15,000/-, 10,000/- and ,12,000-. Amount awarded under all the other heads remains the same.

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



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	60,000/-	60,000/-
2.	Medical Expenses	Nil	Nil
3.	Loss of Income	18,000/-	70,000/-
4.	Pain and suffering	15,000/-	25,000/-
5.	Mental agony	10,000/-	15,000/-
6.	Transportation Expenses	5,000/-	10,000/-
7.	Nutrition Expenses	10,000/-	10,000/-
8.	Damages to Clothes	1,000/-	1,000/-
9.	Attender charges	4,500/-	12,000/-
10.	Loss of Amenities	20,000/-	20,000/-
	Total	Rs.1,43,500/-	Rs.2,23,000/-

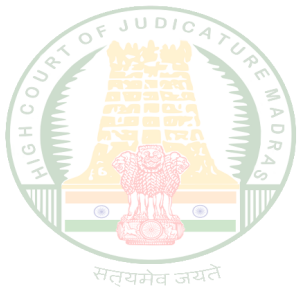
Thus, the compensation awarded by the Tribunal is enhanced to Rs.2,23,000/- from Rs.1,43,500/-, which shall carry interest at the rate of 7.5% per annum.

10. 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 to Rs.2,23,000/- from Rs.1,43,500/-.

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.



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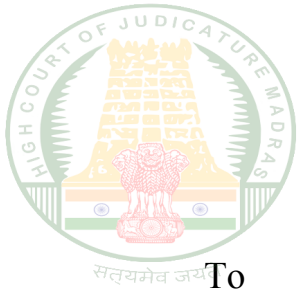
iv. The second respondent, United India Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.2,23,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.4785 of 2015 on the file of the Motor Accident Claims Tribunal (In the V Court of Small Causes, 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, the appellant/claimant is at liberty to withdraw the same, 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.

25.07.2025

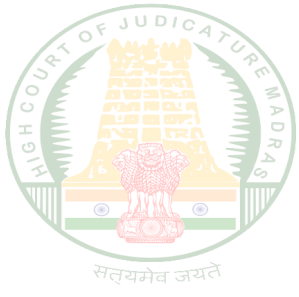
Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To
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1. The Motor Accident Claims Tribunal (In the V Court of Small Causes, Chennai)
2. The United India Insurance Company Ltd.,
Sillingi Building, 4th Floor,
No.134, Greaves Road,
Chennai – 6.
3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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