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CMA No. 2873 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2873 of 2023

1. KRISHNAN

S/o Chinnathambi, Jamin Gudalur
Village and Post, Kilpennathur Tk,
Tiruvannamalai Dt

Appellant(s)

Vs

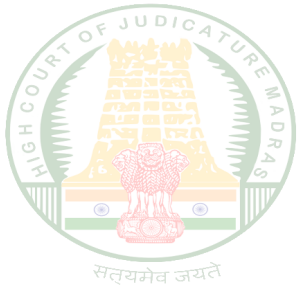
1. KARTHIK

S/o Elumalai, NO.139 Ward,
Mariyamman Koil St, 2nd St, Old
Colony, Chinnakangiyanur Village,
Pallikondapattu Post, Tiruvannamalai
Tk and Dt (Since R1 remained exparte
before the Tribunal his presence may be
dispensed with)

2.The Divisional Manager

The Oriental Insurance Company Ltd,
Hub 3rd Party Claims, Vijayalakshmi
Comple, 1st Floor, No.32/13, Phase II,
Sathuvacheri, Vellore 632 009

Respondent(s)



CMA No. 2873 of 2023

PRAYER

To set aside the award against the Judgement and Decree Dated 31.07.2023 and made in MACTOP.No. 769 of 2021 on the file of the Motor Accident Claims Tribunal, Tiruvannamalai, Special Sub Court, Tiruvannamalai

CMA No. 2873 of 2023

For Appellant(s): Ms.N.Lavanya For Mrs.M.Malr

For Respondent(s): M/s.N.Sampath For R2 R1
Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the award against the Judgement and Decree Dated 31.07.2023, made in MACTOP.No. 769 of 2021 on the file of the Motor Accident Claims Tribunal, Tiruvannamalai, Special Sub Court, Tiruvannamalai(tribunal).

2. On 29.09.2019, at about 06.30 a.m., when the claimant was returning from Tiruvannamalai towards his village in the auto bearing registration No. TN 35 AM 6183 Tiruvannamalai to Tirukoilur road and while the Auto comes out from the Petrol bunk at New Outer Bye-pass Road after filling petrol, at that time, the driver of the auto bearing registration No. TN 25 AM 6183 driven the



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auto in a rash and negligent manner dashed against the Auto, due to which, the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.11,47,384/- as compensation. Challenging the quantum of compensation, the tribunal filed the present appeal.

3. The learned counsel for the claimant submits that accident was happened in the year 2019 but the tribunal awarded a sum of Rs.8,000/- income of the claimant which is very meagre. Hence, he prays to enhance the compensation.

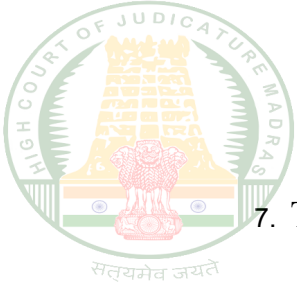
4. The learned counsel for the respondent submits that the tribunal has rightly fixed Rs.8,000/- as notional income of the injured and he relied the judgement in the case of Horakerappa Vs. Sri Gowrishankar to support his contention.



5. Considering the facts that the accident was happened in the year 2019 and also the cost of living at the time of the accident, this Court is inclined to enhance the notional income of the claimant to Rs.15,000/-. Accordingly, the claimant is entitled to Rs.13,06,800/- under the head of disability. Except above modification, the award passed by the tribunal is 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.50,000/-	Rs.50,000/-
2.	Loss of Income	NIL	NIL
3.	Medical Expenses	Rs.2,65,424/-	Rs.2,65,424/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.15,000/-	Rs.15,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages to cloths and article	NIL	NIL
8.	Lost of amenities	Rs.1,00,000/-	Rs.1,00,000/-
9.	For permanent disability	Rs.6,96,960/-	Rs.13,06,800/-
10	Total	Rs.6,96,960/-	Rs.17,57,224/-/- Rs.17,57,300/-



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7. Therefore, the compensation payable to the claimant is enhanced to Rs.17,57,300/-. The respondent/Insurance company is directed to deposit the said amount to the credit of MACTOP.No. 769 of 2021 on the file of the Motor Accident Claims Tribunal, Tiruvannamalai, Special Sub Court, Tiruvannamalai, within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

8. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

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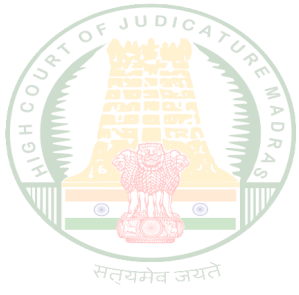
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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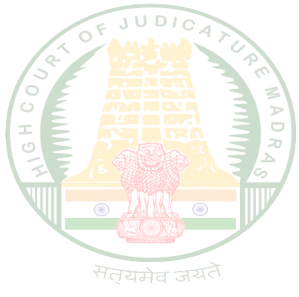
The Oriental Insurance Company Ltd,
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Comple, 1st Floor, No.32/13, Phase II,
Sathuvacheri, Vellore 632 009.

3. The Section Officer,

V.R Section, High Court, Madras.

4. The Motor Accident Claims

Tribunal, Tiruvannamalai, Special Sub
Court, Tiruvannamalai



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T.V.THAMILSELVI J.
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