

CMA. No.3863 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.02.2026

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA. No.3863 of 2025

S. Surendrakumar,
S/o. Selladurai
No.131/A1, Trichy Road, Thuraiyur Taluk, Tiruchirapalli – 621 010.

Now at No.7-A, Thaiyal Nayagi Amman Koil St
Poonamallee, Chennai – 600 056

...Appellant

Vs.

1. M. Kannan
No.1/47, Indankulam, Nerur
PappanvayalMelathuraiyur
Ilayangudi, Sivagangai– 630 709

2. The National Insurance Company Limited
(third Party cell)
No.46, Moore Street
Chennai – 600 001

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, pleased to enhance the amount awarded in MCOP No.490 of 2019, dated 16.04.2025, on the file of Motor Accident Claims Tribunal (Subordinate Judge) Poonamallee.

For Appellant : Mr. K. Varadha Kamaraj

For Respondents : Mr. C.R. Krishnamoorthy (for R2)

: Notice served - No Appearance – for R1



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JUDGMENT

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The instant appeal is filed by the appellant, who is the claimant in MCOP No.490 of 2019, seeking enhancement of compensation awarded by the Tribunal.

2. According to the claimant, on 03.09.2019 at about 23.30 hours, he was standing on the road side of Poonamallee – Mount Trunk Road, in front of Poonamallee Government Hospital. At that time, the Tata Zest Car bearing Registration No. TN-63-BD 9655, driven from West to East direction in a rash and negligent manner, hit the claimant. In the impact, the claimant sustained a Left Radius Fracture and multiple injuries all over the body. Claiming a sum of Rs.2,00,000/- as compensation for the injuries sustained, he filed a claim petition in MCOP No.490 of 2019 before the Tribunal.

3. On notice, the second respondent/Insurance Company filed a counter statement contending *inter alia* that the claimant is bound to prove the age, income and other particulars stated in the claim petition. It was further contended that the driver of the first respondent's Car did not drive the vehicle in a rash and negligent manner, as has been portrayed in the claim petition.

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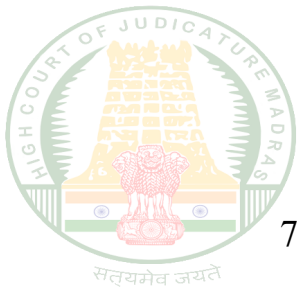
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On the above grounds, the second respondent prayed for dismissal of the claim petition.

4. Before the Tribunal, the claimant examined himself as PW1 and marked Exs. P1 to P7 documents on his side. On behalf of the respondents, neither any witness was examined nor any document was marked. The disability certificate of the claimant was marked as Ex.C1.

5. On appreciation of the oral and documentary evidence, the Tribunal awarded a sum of Rs.25,000/- (Rs.5000 X 5%) towards Disability, Rs.5,000/- towards transportation and a sum of Rs.20,000/- towards Pain and Suffering. Thus, a total sum of Rs.50,000/- was awarded by the Tribunal as compensation.

6. Challenging the quantum of compensation awarded by the Tribunal as inadequate, the present appeal has been filed by the claimant seeking enhancement.



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7. The learned counsel appearing for the appellant would contend

that at the time of accident, the appellant was aged 37 years and was working as a Supervisor in a Super Market, earning a sum of Rs.20,000/- per month. Due to the injuries sustained in the accident, the appellant/claimant was unable to attend to his work as before. Immediately after the accident, the appellant was admitted in “Be Well Hospital” and underwent treatment. Thereafter, he had also taken native treatment at Puthur. According to the learned counsel for the appellant, the Tribunal failed to award just and reasonable compensation in favour of the appellant/claimant. It is submitted that the sum of Rs.25,000/- awarded towards Disability is grossly disproportionate to the nature of injuries sustained by the appellant. Similarly, the amount awarded towards loss of earning power is also not commensurate to the income earned by the appellant at the time of accident. Further, the sum of Rs.20,000/- awarded by the Tribunal towards Pain and Suffering is meagre and it warrants enhancement. The Tribunal did not award any amount towards Attender Charges and Extra Nourishment, which ought to have been granted. That apart, the sum of Rs.5,000/- awarded towards Transportation is very low and it calls for interference by this Court.



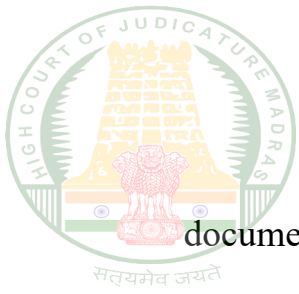
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WEB COPY 8. On the above contention, this Court heard the learned counsel appearing for the second respondent/Insurance Company and perused the records.

9. The respondents did not question the manner in which the accident had occurred as also the liability on their part. The present appeal is filed by the claimant seeking enhancement of compensation.

10. Upon hearing the submissions made by the learned counsel for the appellant/claimant, the claimant/appellant was 37 years at the time of accident and due to that accident, he could not discharge his duties as before. Though the appellant/claimant had claimed Rs.2,00,000/- as compensation, but the Tribunal awarded only a sum of Rs.50,000/-, which, according to the appellant is not befitting the nature of injuries sustained by him.

11. It is seen from the records that the appellant suffered left Radius fracture for which he had taken treatment. As regards medical expenses, as rightly pointed out by the Tribunal, the claimant did not produce any

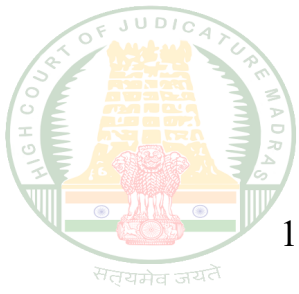


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documentary evidence to show the expenses incurred by him for treatment.

The fact remains that the appellant was employed and due to the injuries he suffered, he would not have in a position to attend his work for some period. In such circumstances, this Court is of the considered view that awarding a sum of Rs.15,000/- towards Loss of Earning will meet the ends of justice.

12. The appellant suffered fracture in his leg, but the Tribunal did not award any amount towards Extra Nourishment, Damages to cloths, Loss of Amenities as well as Attendant Charges, for which the appellant/claimant is entitled to a sum of Rs.5,000/-, Rs.1,000/-, Rs.10,000/- and Rs.4,000/- respectively as compensation. Insofar as the Disability is concerned, though no Doctor was examined, the Tribunal assessed the disability at 5% based on Ex.C1 and awarded a sum of Rs.25,000/- by adopting Rs.5,000/- per percentage of disability. Considering the age of the appellant/claimant and year of accident, this Court deems it appropriate to adopt a sum of Rs.8,000/- per percentage of disability. Accordingly, the compensation towards Disability is enhanced to Rs.40,000/- (Rs.8,000/- x 5 %) from Rs.25,000/-.



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13. In view of the above discussion, the compensation awarded by the Tribunal is modified. The total compensation of Rs.50,000/- awarded by the Tribunal is hereby enhanced to Rs.1,00,000/- as tabulated below:-

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Disability	Rs.25,000/-	Rs.40,000/-	Enhanced
2.	Transportation	Rs.5,000/-	Rs.5,000/-	Confirmed
3.	Pain and sufferings	Rs.20,000/-	Rs.20,000/-	Confirmed
4.	Loss of earning	Nil	Rs.15,000/-	Granted
5.	Extra Nourishment	Nil	Rs.5,000/-	Granted
6.	Attender charges	Nil	Rs.4,000/-	Granted
7.	Damages to clothes	Nil	Rs.1,000/-	Granted
8.	Loss of Amenities	Nil	Rs.10,000/-	Granted
	Total	Rs.50,000/-	Rs.1,00,000/-	Enhanced amount Rs.50,000/-

14. In the result, this Civil Miscellaneous Appeal is partly allowed.

(i) The compensation is enhanced to **Rs.1,00,000/-** from **Rs.50,000/-**.

(ii) The second respondent/Insurance Company is directed to deposit the enhanced award amount along with interest at the rate of 7.5% from the date of petition till the date of deposit, less the amount already deposited, if

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any, within a period of eight weeks from the date of receipt of a copy of this judgement, to the credit of M.C.O.P. No.490 of 2019 on the file of the Motor Accident Claims Tribunal, Poonamalee. The second respondent/Insurance Company is at liberty to withdraw the excess amount, if any, deposited by them, over and above the compensation awarded by this Court.

(iii) The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.

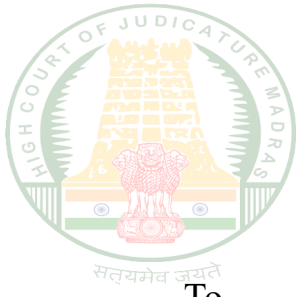
(iv) On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

(v) There shall be no order as to costs.

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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 Claim Tribunal,
Poonamallee.
2. The Section Officer,
VR Section, High Court, Madras.



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