WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 43 of 2024

V. Panneer Selvam

... Appellant

Vs.

1. K. Kodaiarasan
2. TVL Orchid Chemicals and Pharmaceuticals Ltd.,
   138/149, Sidco Industries Estate,
   OMR Alathur, Chengalpet Taluk,
   Kancheepuram District – 603 110.
3. Oriental Insurance Company Limited,
   Third Party Claim Hub,
   No. 216, Pakasam Salai,
   Broadway, Chennai – 600 108.

Now office at
Oriental Insurance Company Limited,
Third party claim officer,
New No. 116, Old No. 115,
Prakasasam Salai, Broadway,
Chennai -1.

...Respondents

PRAYER: This Appeal has been filed under Section 173 of Motor Vehicle Act, 1988, to set aside the award and decree dated 08.09.2016 made in MCOP No. 7263 of 2013 on the file of the Motor Accident Claims

https://www.mhc.tn.gov.in/judis

WEB COPY

Tribunal/IV Small Causes Court, Chennai and enhance the compensation.

For Appellant : Mr. S. Surya Prakash

For R3 : Mr. K. Vinod

for Mr.Elveera Ravindran

None appeared for R1and R2

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the award and decree dated 08.09.2016 made in MCOP No. 7263 of 2013 on the file of the Motor Accident Claims Tribunal/IV Small Causes Court, Chennai, (in short "tribunal") and enhance the compensation.

2. On 04.08.2013, at about 15.00 hours, when the claimant was driving the auto rickshaw bearing registration No. TN 11 Y 0227 at R.G Salai in front of Sathiya Bama College Arch, the bus bearing registration No. TN 19 D 5918 was coming in the same direction with excessive speed which was driven by its driver in a rash and negligent manner hit behind the claimant's auto rickshaw, due to which the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The third respondent herein contested the case by filing counter. After considering the oral and documentary the tribunal

https://www.mhc.tn.gov.in/judis

WEB COPY

awarded a compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that the claimant was a auto driver, who earned Rs.15,000/- per month but the tribunal has fixed only Rs.6,500/- as notional income of the claimant and also doctor/P.W.2 has assessed 40% disability but the tribunal has taken only 25% disability. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the medical board has not assessed the claimant's disability hence the tribunal rightly fixed 25% disability and also as per the ratio laid down by this Court reported in 2013(2) TNMAC 583, National Insurance Company Ltd., Vs. G.Ramesh, the tribunal has rightly fixed Rs.3,000/-per percentage of disability which needs no interference.

4. Considering the facts of the case and also the medical records produced by the claimant it reveals that the claimant has sustained grievous injuries. Admittedly, doctor certified 40% disability but it was not assessed by the medical board, hence this court is inclined to fix 35% disability. Accordingly, the claimant is entitled to Rs.1,05,000/- under the head of disability. The petitioner was an auto driver and also considering the cost of

https://www.mhc.tn.gov.in/judis

WEB COPY

living at the time of accident this Court is inclined to fix Rs.12,000/- as notional income of the claimant. Due to the said accident, the claimant would have lost his income for four months. Hence, this Court is inclined to fix Rs. 48,000/- under the head of loss of income for four months. Further, the tribunal has fixed very less amount under the head of extra nourishment, attender charges, loss of amenities. Hence, this Court is inclined to enhance the compensation from Rs.2,500/- to Rs.5,000/- for extra nourishment and from Rs.600/- to 5,000/- for attender charges and from Rs. 2,500/- to Rs.10,000/- for loss of amenities. Except above modification the award passed by the tribunal in other heads remain unchanged.

5. 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.25,000/-	Rs.25,000/-
2.	Loss of Income	Rs.6,500/-	Rs.48,000/-
3.	Medical Expenses	Rs.5,000/-	Rs.5,000/-
4.	Transportation expenses	Rs.2500/-	Rs.2500/-
5.	Extra Nourishment	Rs.2500/-	Rs.5000/-
6.	Attender charges	Rs.600/-	Rs.5,000/-
7.	Damages to cloths and article	Rs.500/-	Rs.500/-

https://www.mhc.tn.gov.in/judis

WEB COPY

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
8.	Lost of amenities	Rs.2,500/-	Rs.2,500/-
9.	For permanent disability	Rs.75,000/-	Rs.1,05,000/-
10.	Future medical expense	Rs.2,500/-	Rs.2,500/-
10	Total	Rs.1,22,600/-	Rs.2,01,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,01,000/-**. The 3rd **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. 7263 of 2013 on the file of the Motor Accident Claims Tribunal/IV Small Causes Court, Chennai, 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.

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

22.07.2025

pbl

To

5

https://www.mhc.tn.gov.in/judis

WEB COPY

1. The Motor Accident Claims Tribunal/IV Small Causes Court, Chennai

2. The Section Officer,
V.R Section, High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

T.V.THAMILSELVI,J.

Pbl

CMA No. 43 of 2024

22.07.2025

https://www.mhc.tn.gov.in/judis