

Kumari vs N.Senthilkumar

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Court : Chennai

Decided On : Aug-29-2025

Judge : Honourable Mrs.Justice T.V.Thamilselvi

Appeal No. : CMA/1037/2024

Appellant : Kumari

Respondent : N.Senthilkumar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI Kumari Appellant Vs

1. N.Senthilkumar

2.The Divisional Manager Reliance General Insurance Co. Ltd., Reliance House,
6th Floor, NO.6, Haddows Road, Nungambakkam, Chennai-600006

3.R.Veeramani 4.The Divisional Manager United India Insurance Co. Ltd., 13-A,
Nethaji Road, Manjakuppam, Cuddalore-607001 Respondents PRAYER Civil
Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to

enhance the award passed in MCOP No.11/2020, dt. 03.01.2024, on the file of the Motor Accidents Claims Tribunal, (Special District Court No.II to deal with MCOP cases) at Cuddalore For Appellant: Mr.S.C.Vishwanth For Respondents: Mr.P.Suresh Srinivasan For R2 Mr.C.Paranthaman For R4 RR1 and 3 -exparte

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.11 of 2020, dated 03.01.2024 has preferred this appeal seeking for enhancement of compensation. 2.The case of the petitioner is that on 05.06.2019 at about 04.20 hours, when the petitioner along with other passengers were standing on the back side rd of auto and loading their utensil at back side of 3 respondent's auto bearing Regn. No. TN-32 Q-2056 as per the instruction given by auto driver at

Chinnamudaliyar Chavadi, ECR Road, on the way to Kuwait beach, at that time, 1st respondent's vehicle bearing Regn. No.PY-01 AD-4199 came in the same direction in a rash and negligent manner, dashed on them and caused accident. Due to which, the petitioner sustained injuries, for which she underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider/1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.15,23,300/- under various heads as follows:

S.No Compensation awarded under Amount the head (in Rs.)

1. Permanent Disability 8,64,000

2. Pain and sufferings 1,00,000 S.No Compensation awarded under Amount the head (in Rs.)
 3. Loss of comfort and amenities 50,000
 4. Extra nourishment 25,000
 5. Attender charges 6,500
 6. Medical expenses 3,92,800
 7. Transportation 25,000
 8. Loss of expectation of life 50,000
 9. Loss of cloths and articles nil
 10. Loss of income 10,000
 11. Future medical expenses nil Total 15,23,300
- 4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.
- 5.The appellant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.
6. The learned counsel for appellant would submit that due to said accident happened on 05.06.2019, her right hand upto elbow was amputated and she was a fish selling woman, thereby she had earned a sum of Rs. 15,000/- per month, but the tribunal while awarding compensation, had fixed only a sum of Rs.6000/- as her notional monthly income. Hence, he prayed to enhance the compensation.
7. The learned counsel for respondents 2 and 4 would submit that admittedly, her right hand upto elbow was amputated, but there is no functional disability sustained by her and she is only a fish selling woman. So, on considering

the nature of injury, the tribunal has rightly awarded compensation, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as respondents 2 and 4 and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, the

appellant's right hand upto elbow was amputated and had undergone three surgeries and though she is a fish selling woman, she would have earned a sum of Rs.500/- per day and earned Rs.15,000/- per month. Considering that and also on considering the fact that the accident was happened in the year 2019, considering her age as well as considering the cost of living at that time, this Court is inclined to enhance the notional monthly income from Rs.6,000/- to Rs.15,000/- per month.

10. Furthermore, as the appellant's right hand upto elbow was amputated

and she had undergone three surgeries, for which she was in hospital as inpatient for more than 13 days, so she was in need of an attender. Hence, this Court is inclined to enhance the sum awarded towards attender charges from Rs.6,500/- to Rs.12,000/- and also this court is inclined to award sum of Rs.25,000/- under the head of future medical expenses and a sum of Rs.3000/- is awarded for loss of cloths and articles.

11. Moreover, since her right hand upto elbow was amputated and she had

undergone three surgeries, the multiplier method was adopted by the tribunal, and the sum awarded by the tribunal under heads of loss of comfort and amenities, loss of income and the loss of expectation of life would not arise. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

12. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded (in Rs.) confirmed or by the tribunal	Amount granted or enhanced (in Rs.)
1.	Permanent Disability	8,64,000	21,60,000 enhanced
			Rs.15,000/- x 12 = Rs.1,80,000/-
		Rs.1,80,000/- x 15 = Rs.27,00,000/-	Rs.27,00,000/- x 80% = Rs.21,60,000/-
2.	Pain and sufferings	1,00,000	1,00,000 confirmed
3.	Loss of comfort and amenities	50,000	Would not arise
4.	Extra Nourishment	25,000	25,000 confirmed
5.	Attender charges	6,500	12,000 enhanced
6.	Medical expenses	3,92,800	3,92,800 confirmed
7.	Transport expenses	25,000	25,000 confirmed
8.	Loss of expectation of life	50,000	Would not arise
9.	Loss of cloths and articles	nil	3,000 awarded
10.	Loss of income	10,000	Would not arise
11.	Future medical expenses	nil	25,000 awarded
			Total 15,23,300 27,42,800 enhanced

13. The compensation awarded by the tribunal at Rs.15,23,300/- is enhanced to Rs.27,42,800/-. The 2 respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited,

together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to

withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. 14. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

29-08-2025 Index:Yes/No

Speaking/Non-speaking order

Internet:Yes Neutral Citation:Yes/No rpp To

1. Motor Accident Claims Tribunal, Special District Court No.II, Cuddalore.
2. Section Officer, VR Section, Madras High Court. T.V.THAMILSELVI J. rpp 29-08-2025

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