



C.M.A.No.2906 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2906 of 2022

Sumathi

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishna Road,
Salem-7.

... Respondent

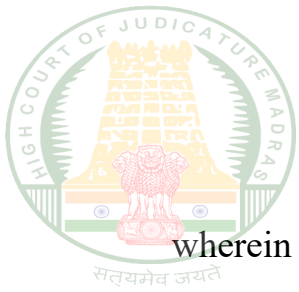
PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award passed in the judgment and decree dated 16.06.2015 made in MCOP No.1731 of 2012 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court No.II, Salem.

For Appellant : Mr.M.Sivakumar

For Respondent : Mr.D.Nithin

JUDGMENT

This civil miscellaneous appeal has been filed by the appellant/claimant challenging the award passed by the learned Special Subordinate Judge No.II, Special Subordinate Court No.II, Motor Accidents Claims Tribunal, Salem, in MCOP No.1731 of 2012 dated 16.06.2015,



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wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the appellant/claimant is that on 02.09.2012, at about 05.00 p.m., while the claimant was travelling as a pillion rider on a two wheeler on the Asthampatti-Kannankurichi main road, a bus belonging to the respondent/Transport Corporation was driven in a rash and negligent manner and dashed against the two wheeler. As a result, the claimant fell down and the rear wheel of the bus ran over her left hip portion, causing her to sustain the following injuries: ‘Polytrauma, hypovolemic shock, crush amputation of left lower limb at hemipelvic level with circumferential degloving involving the lower trunk, gluteal regions and right thigh’. The claimant underwent treatment as an inpatient for 106 days in three spells and the procedures performed on her are as follows:

“Procedure: 2.9.2012; Resuscitation, Debridement and closure of left hemipelvic stump,. 3.9.2012: Right transverse defunctioning colostomy, 7.9.2012: Debridement & Excision of necrotic skin over right thigh, perineum, both gluteal regions and left hemipelvic stump, 25.9.2012;. Debridement and SSG cover right thigh & left stump and VAC application, 6.10.2012: Wound debridement and SSG of right thigh, perineum, bilateral gluteal & left hemipelvic stump, 7.10.2012: VAC removal exploration and ligation of left external artery and vein, 8.11.2012: SSG left gluteal region.”



Even after these procedures were performed, the claimant did not completely recover and was again admitted to the hospital with a diagnosis of a status de functioning ascending loop colostomy and a subsequent procedure for colostomy closure was performed on 15.05.2014. It is under these circumstances, the claim petition came to be filed before the Tribunal.

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 driver of the bus belonging to the respondent/Transport Corporation.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.17,46,000/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Earning	4,60,800
2.	Pain, Suffering and Trauma	1,50,000
3.	Medical Expenses	9,44,300
4.	Loss of Amenities and enjoyment of life	1,00,000



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5.	Extra Nourishment	20,000
6.	Attendant Charges	50,000
7.	Transportation	20,000
8.	Damages to clothes	900
Total		17,46,000

The above compensation was directed to be paid by the respondent/Transport Corporation together with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the appellant/claimant seeking enhancement of compensation.

5. Heard Mr.M.Sivakumar, learned counsel for the appellant/claimant and Mr.D.Nithin, learned counsel for the respondent/Transport Corporation.

6. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.

7. In the case in hand, since the bus ran over the hip portion of the appellant/claimant, she not only lost her entire left leg but is also unable



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to pass stools and urine since the entire pelvic region was crushed.

Therefore, in order to pass stools, a colostomy bag was attached and for the purpose of passing urine, a urine bag was attached. The disability certificate issued by the Doctor shows that the claimant had suffered a 100% functional disability.

8. The Tribunal assessed the future loss of income by applying the multiplier method at 80%. In the considered view of this Court, considering the age of the claimant and the serious nature of the injuries sustained by her, the functional disability has to be taken as 100%. Apart from that, while fixing the notional monthly income, the Tribunal fixed only a sum of Rs.3,000/-, which is on the lower side. This Court is inclined to fix a sum of Rs.10,000/- as the notional monthly income of the claimant, since the accident took place in the year 2012 and the claimant was said to be working as a teacher in a private school. Accordingly, the compensation under the head 'Loss of Income' is calculated as Rs.19,20,000/- (Rs.10,000/- x 12 x 16 x 100%)

9. Apart from the above, this Court is inclined to enhance the compensation under the heads 'Pain and Suffering', and 'Extra



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Nourishment' to Rs.2,00,000/- and Rs.75,000/- respectively. The compensation fixed by the Tribunal under the other heads is just and fair and does not require the interference of this Court.

10. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Income	4,60,800	19,20,000
2.	Pain, Suffering and Trauma	1,50,000	2,00,000
3.	Medical Expenses	9,44,300	9,44,300
4.	Loss of Amenities and enjoyment of life	1,00,000	1,00,000
5.	Extra Nourishment	20,000	75,000
6.	Attendant Charges	50,000	50,000
7.	Transportation	20,000	20,000
8.	Damages to clothes	900	900
Total		17,46,000	33,10,200

11. The compensation awarded by the Tribunal at Rs.17,46,000/- is enhanced to Rs.33,10,200/-. The respondent/Transport Corporation is directed to deposit the enhanced compensation, less the amount already



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deposited, together with interest at 7.5% p.a. from the date of claim petition

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12. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs.

13.07.2026

Neutral Citation: Yes/No
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- To
1. The Special Subordinate Judge No.II,
Special Subordinate Court No.II,
Motor Accidents Claims Tribunal,
Salem.
 2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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