



C.M.A.No.2136 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2136 of 2026

I.Lakshmanan

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Limited,
Pallavan House, Anna Salai,
Chennai – 600002.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amount awarded in MCOP No.2708 of 2016 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai, dated 03.10.2023.

For Appellant : Mr.U.Chithambaram

For Respondent : Mr.Anton Dhanasekaran

JUDGMENT

This civil miscellaneous appeal has been filed against the award passed by the Motor Accidents Claims Tribunal, Chennai, in MCOP No.2708 of 2016 dated 03.10.2023, wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.



WEB COPY 2. The case of the appellant/claimant is that on 03.02.2016, the claimant was riding a two wheeler on Anna Salai and at about 16.15 hours, when he was near the Saidapet bus stand, a bus belonging to the respondent/Transport Corporation, was driven in a rash and negligent manner and hit the claimant's two wheeler from behind. As a result, the claimant suffered a 'fracture of the left tibia with circumferential degloving at knee joint'. The claimant underwent treatment as an inpatient for 24 days and two surgeries were also performed. 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.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.8,25,400/- under various heads as follows:



WEB COPY

S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Disability	2,00,000
2.	Pain and Suffering	30,000
3.	Transportation	4,000
4.	Attender Charges	7,200
5.	Medical Expenses	5,39,172
6.	Extra Nourishment	10,000
7.	Damage of clothes	1,000
8.	Loss of Amenities	10,000
9.	Loss of Earnings	24,000
Total		8,25,372
Rounded off		8,25,400

The above compensation amount was rounded off to Rs.8,25,400/- and 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.U.Chithambaram, learned counsel for the appellant/claimant and Mr.Anton Dhanasekaran, learned counsel for the respondent/Transport Corporation



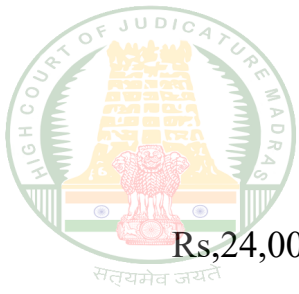
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6. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.

7. In the case in hand, the accident had taken place in the year 2016 and the Tribunal, while fixing the compensation under the head 'Disability', has considered the disability certificate issued by the Medical Board, which was marked as Ex.C1 showing that the claimant had suffered 40% permanent disability, adopted percentage method and fixed Rs.5,000/- per percentage of disability, which is on the lower side. Therefore, this Court is inclined to fix a sum of Rs.6,000/- per percentage of disability. Accordingly, the compensation under the head 'Disability' is fixed as Rs.2,40,000/- (Rs.6,000/- x 40).

8. This Court is inclined to enhance the compensation under the heads 'Pain and Suffering', 'Transportation Charges', 'Attender Charges' and 'Extra Nourishment' to Rs.50,000/-, Rs.10,000/-, Rs.20,000/- and Rs.25,000/- respectively.

9. Insofar as the compensation fixed by the Tribunal under the head 'Loss of Earning' is concerned, the Tribunal has fixed a sum of



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Rs,24,000/-. Considering the fact that the claimant was aged about 42 years at the time of the accident in the year 2016 and since he worked as a machine operator, he would not have been able to attend work for three months due to the injuries sustained by him. Therefore, this Court is inclined to fix the notional monthly income of the claimant at Rs.15,000/- and the total compensation under the head 'Loss of Earning' is calculated as Rs.45,000/- (Rs.15,000/- x 3 months).

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.	Disability	2,00,000	2,40,000
2.	Pain and Suffering	30,000	50,000
3.	Transportation	4,000	10,000
4.	Attender Charges	7,200	20,000
5.	Medical Expenses	5,39,172	5,39,172
6.	Extra Nourishment	10,000	25,000
7.	Damage of clothes	1,000	1,000
8.	Loss of Amenities	10,000	10,000
9.	Loss of Earning	24,000	45,000
Total		8,25,372	9,40,172
Rounded off		8,25,400	9,40,180



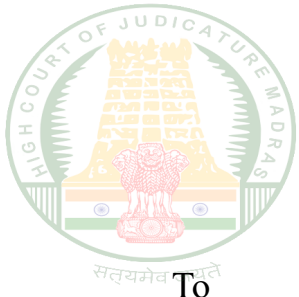
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WEB COPY 11. The compensation awarded by the Tribunal at Rs.8,25,400/- is enhanced to Rs.9,40,180/-. The respondent/Transport Corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 655 days as was ordered by this Court in C.M.P.No.4455 of 2026 in C.M.A.Sr.No.24704 of 2026 dated 22.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

10.07.2026

Neutral Citation: Yes/No
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To
WEB COPY

1. The III Judge,
III Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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