



C.M.A.No.1061 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1061 of 2022

Sakthivel

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 20.08.2019 in MACTOP No.6555 of 2015 on the file of the Court of the Principal Special Judge (EC & NDPS), Chennai and consequently, enhance the quantum of compensation awarded to the appellant.

For Appellant : Mr.C.D.Kamaraj

For Respondent : Mr.A.Vinothraj

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant/claimant challenging the award passed by the Principal Special Judge, Special Court under EC & NDPS Act, Chennai, in MCOP No. 6555 of 2015 dated 20.08.2019, seeking for enhancement of compensation.



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WEB COPY 2. The case of the claimant is that on 01.05.2015, he was riding his two wheeler on the GST Road, at about 15.00 hours, when his two wheeler was going near Gandhi Road junction, a bus belonging to the respondent/Transport Corporation was driven in a rash and negligent manner and hit the two wheeler, as a result of which, the claimant suffered clavicle fracture. 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 fixed only a paltry compensation of Rs.10,000/-. Aggrieved by the same, the present appeal has been filed before this Court seeking enhancement of compensation.



5. During the pendency of the appeal, this Court passed the

following order on 19.09.2023:-

“Heard the learned counsel appearing for the appellant as well as the respondent and perused the materials available on record.

2. Considering the submissions made by the learned counsel appearing for the appellant as well as the respondent, in order to determine just compensation to be awarded by this Court, the appellant/claimant is referred to Royapettah Government Hospital, Chennai for examination by the Medical Board constituted by the said hospital.

3. In view of the above, the Dean, Royapettah Government Hospital, Chennai is directed to fix a date for examination of the appellant, as expeditiously as possible and inform the same to the learned counsel for the appellant to enable him to inform the appellant to appear before the Board on the said date. After examination of the appellant, the Medical Board is directed to submit a report to the Registry, within a period of four (4) weeks from the date of receipt of a copy of this order.

4. The Registry is directed to forward the address and phone number of the counsel for the appellant to the Dean, Royapettah Government Hospital, Chennai to enable the appellant appear before the Medical Board.”



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6. Pursuant to the above order, the Medical Board assessed the disability suffered by the appellant/claimant and the Disability Certificate was submitted before this Court. On going through the Disability Certificate, it is seen that the appellant/claimant suffered “RTA – GT Avulsion fracture” and the Medical Board has assessed 9% permanent disability.

7. Heard C.D.Kamaraj, learned counsel for the appellant/claimant and Mr.A.Vinothraj, learned counsel for respondent/Transport Corporation.

8. The Tribunal has concluded that the accident had taken place only due to the rash and negligent driving of the driver of the bus belonging to the respondent/Transport Corporation. The Tribunal was not in a position to fix the compensation due to lack of materials. By virtue of the Disability Certificate given by the Medical Board of Government Royapettah Hospital, Chennai, this Court is inclined to fix the compensation under various heads.

9. Considering the fact that 9% disability has been assessed by the Medical Board and taking note of the fact that the accident is of the year 2015, this Court is inclined to fix a sum of Rs.5,000/- per percentage of



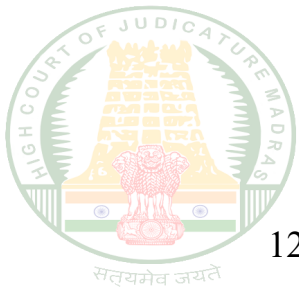
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disability. Accordingly, the compensation under the head 'disability' is fixed as Rs.45,000/- (Rs.5,000/- x 9).

10. The claimant has suffered a fracture and hence, this Court is inclined to fix a sum of Rs.15,000/- towards pain and suffering. This Court is also inclined to fix a sum of Rs.10,000/- each under the head of 'extra nourishment' and 'attendant charges'. The claimant would have travelled for the purpose of taking treatment and therefore, this Court is inclined to fix a sum of Rs.10,000/- towards transportation charges. Considering the nature of the injuries sustained by the appellant/claimant, he would not have attended work for at least one month. Hence, this Court is inclined to fix a sum of Rs.10,000/- towards loss of income.

11. In the light of the above discussion, the compensation fixed by this Court is as follows:-

<i>S.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1	Disability	45,000/-
2	Loss of Income	15,000/-
3	Pain and Suffering	10,000/-
4	Extra Nourishment	10,000/-
5	Attendant Charges	10,000/-
5	Transportation Charges	10,000/-
Total		1,00,000/-



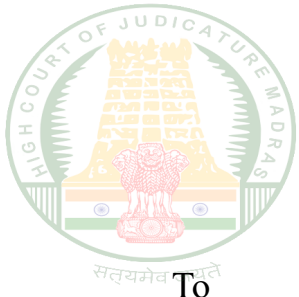
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12. The above compensation shall be paid with interest at the rate of 7.5% per annum.

13. In the result, this Civil Miscellaneous Appeal is allowed and there shall be a direction to the respondent/Transport Corporation to pay the compensation of Rs.1,00,000/- along with interest at 7.5% per annum from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant/claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

02.07.2026

Neutral Citation: Yes/No
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To
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1. The Principal Special Judge,
Special Court under EC & NDPS Act,
Motor Accidents Claims Tribunal,
Coonoor.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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