



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1084 of 2025

Ragu
S/o.Akkumaran

..Appellant

Vs

1. The Managing Director,
Kerala State Transport Corporation Limited,
Transport Bhavan, Fort, Trivandrum,
Kerala State – 695 023.

2. The Manager,
National Insurance Company Limited,
Branch - II, 2nd Floor, K.K. Building,
Aristo Junction, Thampanoor,
Thiruvananthapuram District,
Kerala State – 695 014.

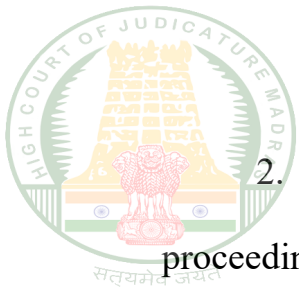
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 13.06.2023 passed in MCOP No.188/2021 on the file of Special Subordinate Judge, Krishnagiri.

For Appellant : P.Dineshkumar
For Respondents : Mrs.R.Sree Vidhya [R2]

JUDGMENT

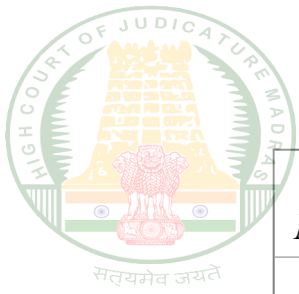
This appeal has been filed against the award passed by learned Special Subordinate Judge, Krishnagiri, in M.C.O.P.No.188 of 2021 dated 13.06.2023, wherein the claimant is seeking enhancement of compensation.



2. The case of the claimant is that on 13.08.2019, the claimant was proceeding in his two wheeler at Dharmapuri to Krishnagiri National Highways and when the vehicle was near a hotel, the offending vehicle, a bus belonging to the first respondent, was driven in a rash and negligent manner and it dashed on the rear side of the two wheeler, as a result of which the claimant was thrown out of the vehicle and he sustained fracture BB leg right side with blisters. The claimant underwent treatment as an inpatient for eight days and one surgery was 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 materials before it, came to a conclusion that the accident had occurred only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed total compensation of Rs.4,85,000/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	2,25,000/-
2.	Medical expenses	1,55,700/-
3.	Pain and suffering	30,000/-
4.	Loss of amenities	25,000/-
5.	Loss of income	25,000/-
6.	Transportation expenses	10,000/-
7.	Additional nourishment	10,000/-



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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
8.	Attender charges	3,000/-
9.	Damages to clothes	1,300/-
	Total	4,85,000/-

The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed seeking enhancement of compensation.

4. Heard learned counsel for appellant/claimant and learned counsel for second respondent/insurance company.

5. In the case in hand, the accident had taken place in the year 2019. The Tribunal had taken into consideration the disability certificate [Ex.C1] issued by the Medical Board assessing 45% partial permanent disability. The Tribunal adopted the percentage method and fixed only a sum of Rs.5,000/- per percentage of disability. This Court is inclined to increase the same to Rs.8,000/- per percentage and accordingly, compensation under the head 'disability' works out to Rs.3,60,000/- [8000 x 45]. This Court is inclined to enhance the compensation under the heads 'additional nourishment', 'attender charges' and 'loss of income' to Rs.20,000/-, Rs.7,500/- and Rs.40,000/- respectively. The Tribunal has fixed a sum of Rs.25,000/- under head 'loss of

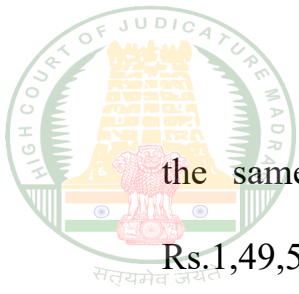


amenities' and the same is reduced to Rs.10,000/-. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

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

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	2,25,000/-	3,60,000/-
2.	Medical expenses	1,55,700/-	1,55,700/-
3.	Pain and suffering	30,000/-	30,000/-
4.	Loss of amenities	25,000/-	10,000/-
5.	Loss of income	25,000/-	40,000/-
6.	Transportation expenses	10,000/-	10,000/-
7.	Additional nourishment	10,000/-	20,000/-
8.	Attender charges	3,000/-	7,500/-
9.	Damages to clothes	1,300/-	1,300/-
	Total	4,85,000/-	6,34,500/-

7. The compensation awarded by the Tribunal at Rs.4,85,000/- is enhanced to Rs.6,34,500/-. The second 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 six (6) 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 of Rs.1,49,500/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 526 days as was ordered by this Court in C.M.P.No.7205 of 2025 in C.M.A.Sr.No.43404 of 2025 dated 25.03.2025. 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.

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

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Special Subordinate Judge,
Krishnagiri.



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N.ANAND VENKATESH, J.

gm

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