



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 516 of 2023

Varatharajapillai
S/o. Mayavapillia

..Appellant(s)

.Vs.

1. Sri AP Gopikrishna
S/o. Poonuranga Mudaliar

2.The Divisional Manager
United India Insurance Co.Ltd,
No.13-A, Nethaji Road,
Cuddalore - 607001.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, To allow the appeal and enhance the compensation in MCOP No.3772/2015 dt. 31.03.2022 on the file of the Motor Accidents Claims Tribunal/1st Additional District and Sessions Judge, Cuddalore.

For Appellant(s): Ms. Ramya V.Rao

For Respondent(s): Mr.D. Bhaskaran for R2

JUDGMENT

This appeal has been filed against the award passed by the Motor Accidents Claims Tribunal/1st Additional District and Sessions Judge, Cuddalore, MCOP No.3772/2015 dated 31.03.2022, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.



2. The case of the claimant is that on 25.09.2015 the claimant was travelling as a passenger in a bus belonging to the 1st respondent and it was moved from Bangalore to Puducherry and at about 17.40 hours, the bus was driven in a rash and negligent manner, as a result of which, the bus capsized and the passengers including the claimant sustained grievous injuries. The claimant sustained rib bone fracture. The claimant underwent treatment as an inpatient for five days. 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 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. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.72,000/- under the following heads:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	For Disability (10 % x 4000)	40,000/-
2.	Pain and suffering	5,000/-
3.	Medical Bills	10,000/-
4.	Transportation	5,000/-
5.	Attender Charges	Nil
6.	Loss of Income (6000 x 2)	12,000/-
7.	Loss of Amenities	--
	Total :	72,000/-



The compensation was directed to be paid along with interest at the rate of 7.5%

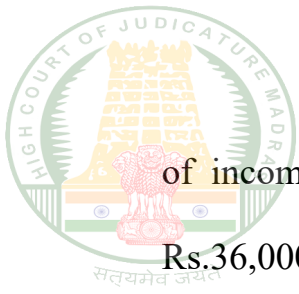
p.a. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

4. Heard the learned counsel for the appellant and the learned counsel for the 2nd respondent/insurance company.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. In the case in hand, the Tribunal has adopted the percentage method and has fixed Rs.4,000/- per percentage and fixed the compensation under the head of disability at Rs.40,000/- by taking into consideration the disability certificate issued by the Medical Board which was marked as Ex.C-1. Hence, this Court is inclined to fix a sum of Rs.5,000/- per percentage. Accordingly, the compensation under the 'head of disability' is fixed at Rs.50,000/- [10% x 5000/-].

7. This Court is also inclined to enhance the compensation under the head of 'Pain and Suffering' to Rs.15,000/-. The Tribunal has not granted any compensation under the head of 'Attender Charges' and this Court is inclined to fix a sum of Rs.5,000/- under this head. The Tribunal has calculated the 'loss



of income at Rs.12,000/- and this Court is inclined to enhance the sum of Rs.36,000/- [Rs.12,000/- x 3] under this head.

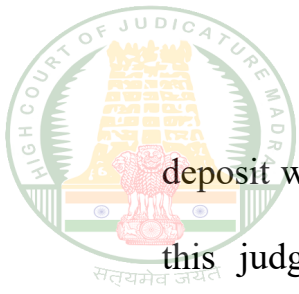
WEB COPY

8.The compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.

9.In the light of the above discussion, the compensation fixed by the Tribunal is modified in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	For Disability (10 % x 4000)	40,000/-	50,000/- (10% x 5000)
2.	Pain and suffering	5,000/-	15,000/-
3.	Medical Bills	10,000/-	10,000/-
4.	Transportation	5,000/-	5,000/-
5.	Attender Charges	Nil	5,000/-
6.	Loss of Income (6000 x 2)	12,000/-	36,000/- (12,000x 3)
7.	Loss of Amenities	--	--
	Total :	72,000/-	1,21,000/-

10.The compensation awarded by the Tribunal at Rs.72,000/- is enhanced to Rs.1,21,000/-. The 2nd respondent Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of



deposit within a period of four (4) weeks from the date of receipt of a copy 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 33 days as was ordered by this Court in CMP.No.16859 of 2022 in C.M.A.SR.No.106180 of 2022 date 16.02.2023. 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.

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

14-07-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

KP

To

The Motor Accidents Claims Tribunal/
1st Additional District and Sessions Judge,
Cuddalore.



WEB COPY



N.ANAND VENKATESH J.

KP

CMA No. 516 of 2023

14-07-2026