



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.713 of 2024

Mohammed Umer Akthar

..Appellant

.vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Anna Salai, Chennai 600 002.

..Respondent

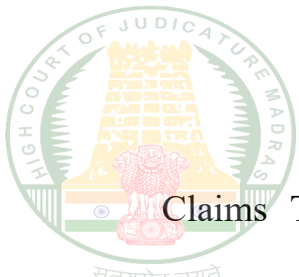
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Decree and Award dated 18.07.2018 made in MCOP No.3428 of 2015, on the file of the Principal Special Judge, Sub Court, under EC and NDPS Act-I for Motor Accident Claims Tribunal, Chennai.

For Appellant : Mrs.V.Jayanthi for
Mr.J.Mahalingam

For Respondent : Mr.M.Murali Vinodh

JUDGMENT

This appeal has been filed against the Award passed by the Principal Special Judge, Sub Court, under EC and NDPS Act-I for Motor Accident



Claims Tribunal, Chennai in MCOP No.3428 of 2015 dated 18.07.2018,
wherein the claimant is seeking for enhancement of compensation.

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2.The case of the claimant is that on 14.11.2014, at about 9.40 a.m., while he was riding his two-wheeler on Anna Salai near the Bata Signal, a bus belonging to the Transport Corporation was driven in a rash and negligent manner and it dashed against the two-wheeler. As a result of the which, the claimant was thrown out of the vehicle and sustained the following injuries:

- 1) COMPOUND COMMUNITTED FRACTURE OF LEFT LEG
GRADE III-B
- 2) LEFT BIMALLEOLAR FRACTURE WITH ANKLE SUB
LUXATION WITH POST TRAUMATIC RAW AREA
- 3) EXTENSIVE LOSS OF SKIN AND FLESH ON THE LEFT
LEG AND OTHER SERIOUS MULTIPLE INJURIES ALL OVER
THE BODY.

3.The claimant underwent treatment as an inpatient for nearly 104 days in four spells and surgeries were also performed. It is under these circumstances, the claim petition came to be filed before the Tribunal.



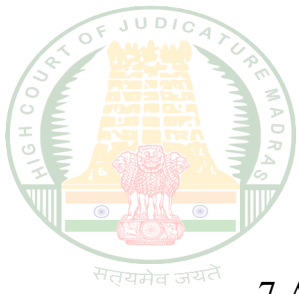
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4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.12,00,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Earning	75,000
Transport to Hospital	20,000
Extra Nourishment	20,000
Medical Expenses	2,62,000
Medical Attendance	18,000
Mental Agony	20,000
Loss of amenities	10,000
Pain and Sufferings	1,00,000
Disability	1,35,000
Loss of Earning Power	5,40,000
Total	12,00,000

6.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.



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

8. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondent.

9. The main ground that has been raised is that, considering the nature of injuries sustained by the claimant, the Tribunal ought to have assessed the functional disability at 55% and adopted the multiplier method while determining the compensation under the head of disability. It is further contended that the compensation that has been fixed under the other heads is also on the lower side and requires enhancement.

10. On carefully going through the Award, it is seen that the Tribunal has fixed compensation under the head of 'Loss of Earning' to the tune of Rs.75,000/-, 'Permanent Disability' to the tune of Rs.1,35,000/- and also 'Loss of Earning Power' to the tune of Rs.5,40,000/-. Once the Tribunal has determined the functional disability and determined the compensation under the head of 'Loss of Earning Capacity', the Tribunal cannot grant compensation under the head of 'Loss of Earning' and 'Permanent Disability'. Therefore, the



compensation fixed under the heads of 'Loss of Earning' and 'Permanent Disability' shall stand set aside.

11. Insofar as the compensation fixed under the head of 'Loss of Earning Capacity', considering the nature of injuries sustained by the claimant and the prolonged treatment underwent along with procedures and also taking note of the Disability Certificate marked as Ex.P12, this court is inclined to fix the functional disability at 45%. Accordingly, the compensation under the head of "Loss of Earning" is calculated as follows:

$$\text{Rs.}10,000/- \times 12 \times 18 \times 45 \% = \text{Rs.}9,72,000/-$$

12. This Court is also inclined to enhance the compensation under the head of Extra Nourishment to Rs.75,000/-, Loss of Amenities to Rs.25,000/- and Pain and Sufferings to Rs.2,00,000/-.

13. The Tribunal has granted the compensation under the head of 'Mental Agony' to the tune of Rs.20,000/- and the same is also set aside.

14. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

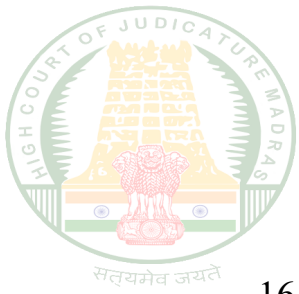


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Compensation awarded under the head	Amount (in Rs.)
Transport to Hospital	20,000
Extra Nourishment	75,000
Medical Expenses	2,62,000
Medical Attendance	18,000
Loss of amenities	25,000
Pain and Sufferings	2,00,000
Loss of Earning Power	9,72,000
Total	15,72,000

15.The compensation awarded by the tribunal at Rs.12,00,000/- is enhanced to Rs.15,72,000/-. 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 weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimant.



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16. In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No Costs.

29.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Principal Special Judge, Sub Court, under EC and NDPS Act-I for Motor
Accident Claims Tribunal, Chennai.

CMA No.713 of 2024

29.07.2026