



WEB COPY

CMA No. 2596 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CMA No. 2596 of 2025

S. Chandru (minor)
represented by next friend and
natural guardian his father N. Selvam,
No.11/3, Athankarai Street, Velappansavadi,
Perumal Agaram,
Thiruverkadu, Chennai - 077.

..Appellant(s)

Vs

The Managing Director
Metropolitan Transport Corporation Limited,
Pallavan House,
Anna Salai, Chennai - 002.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the final order dated 04.01.2025 passed in M.C.O.P.1417 of 2021 on the file of the Motor Accidents Claims Tribunal, II Special Court, Small Causes Court, Chennai.

For Appellant(s): Mr.S.Ravikumar

For Respondent(s): Mr.Anton Dhanasekaran



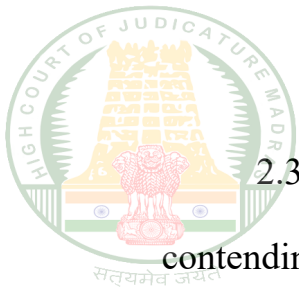
JUDGMENT

WEB COPY This civil miscellaneous appeal has been filed against the order dated 04.01.2025 passed in M.C.O.P.1417 of 2021 on the file of the Motor Accidents Claims Tribunal, II Special Court, Small Causes Court, Chennai, to enhance the compensation awarded by the Tribunal.

2. The brief facts, which are relevant for deciding this appeal, are as follows:

2.1 The appellant was a IX standard student, aged about fifteen years and was doing part time work as newspaper delivery boy. On 24.02.2021 around 8.30 a.m., the appellant was travelling in a bus bearing Registration No.TN 01 N 5184 owned by the respondent/Corporation. While the appellant was waiting to alight from the bus near the Rail Nagar Junction in Koyambedu-Poonamallee Highway, the driver of the bus drove the bus in a rash and negligent manner, due to which, the appellant fell down from the bus and sustained grievous injuries. Thereafter, the appellant took treatment in several hospitals as an in-patient from 24.02.2021 to 10.03.2021 for a period of fifteen days and later, his left leg, which sustained injuries, was amputated. The Medical Board assessed the permanent disability at 60%.

2.2 The appellant filed a claim petition in M.C.O.P.1417 of 2021 claiming a compensation of Rs.80,00,000/- under various heads.



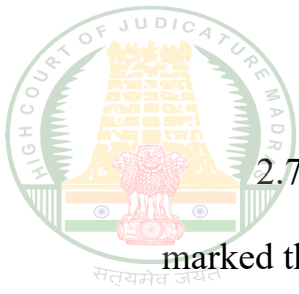
2.3 The respondent/Corporation filed their counter before the Tribunal contending that the driver of the bus was driving the bus consciously and since the appellant was travelling on the footboard and he did not come inside the bus despite the advice of the conductor, the same resulted in his fall and sustaining injuries and therefore, he objected the claim.

2.4 The Tribunal framed the following issues:

- (a) Whether the accident and the injuries sustained by the appellant on 24.02.2021 at 8.30 a.m. while travelling in the bus bearing Registration No.TN 01 N 5184 was on account of the rash and negligent driving of the driver of the bus?*
- (b) If that being so, what was the compensation to be awarded to the appellant?*
- (c) To what other reliefs?*

2.5 From the side of the appellant, PW1/father of the appellant, PW2/staff of the hospital, where, the appellant took treatment, PW3/official of the manufacturer of artificial limb and PW4/eyewitness to the accident, were examined and exhibits P1 to P15 were marked.

2.6 From the side of the respondent/Corporation, one Maari (RW1) was examined and exhibits R1 to R3 were marked.



2.7 Apart from the above witnesses and exhibits, Exs.C1 to C3 were marked through PW3 and Ex.X1 was also marked.

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2.8 The Tribunal, after hearing both the parties, awarded a compensation of Rs.43,59,000/- (rounded off) under various heads as follows:

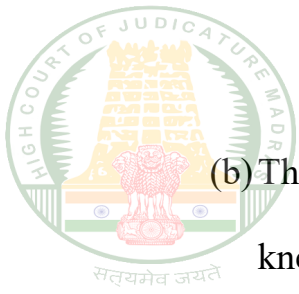
S.No.	Description	Compensation awarded (in Rs.)
1	Medical expenses	6,92,356
2	Transportation Expenses	25,000
3	Extra nourishment	20,000
4	Attendant charges	1,00,000
5	Loss due to disability	27,21,600
6	Pain and suffering	5,00,000
7	Fixation of artificial leg	3,00,000
Total		43,58,956

Further, the Tribunal directed the respondent to pay the said compensation amount along with 7.5% interest from the date of petition till the date of deposit in the Court.

2.9 Not satisfied with the compensation awarded, the present appeal has been filed by the claimant seeking enhancement of compensation.

3. The learned counsel appearing for the appellant made the following submissions:

(a) The appellant was a minor boy studying IX standard at the time of the accident and due to the accident, his left leg below knee was amputated.



(b) The appellant had to get artificial limb fixed below the left knee (below knee prosthetics).

(c) The appellant approached a company for fixing artificial limb, who gave a quotation for a sum of Rs.26,00,000/- (Rs.21,00,000/- towards purchase + Rs.5,00,000/- towards maintenance), whereas, the Tribunal had awarded a meagre amount of Rs.3,00,000/- only.

(d) As per the judgment of the Apex Court in ***Mohd. Sabeer @ Shabir Hussain v. Regional Manager, U.P. State Road Transport Corporation***¹, the claimant, in such circumstances, is entitled to the entire value of the artificial limb and he is also entitled to periodic maintenance charges.

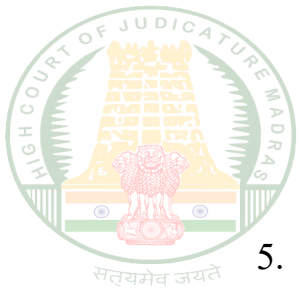
(e) The law laid down in ***Mohd. Sabeer*** (*supra*) has been followed by the Apex Court in its yet another judgment in ***Prahlad Sahai v. Haryana Roadways***².

(f) No amount was awarded towards loss of amenities, loss of marriage prospects and loss due to disability and disfigurement.

4. The learned counsel appearing for the respondent/Corporation submitted that the Tribunal has rightly awarded the compensation taking into consideration the evidences. He further submitted that the accident happened only on account of the appellant, as he travelled on the footboard. Accordingly, he sought dismissal of the appeal.

¹(2023) 20 SCC 774

²2026 SCC OnLine SC 651



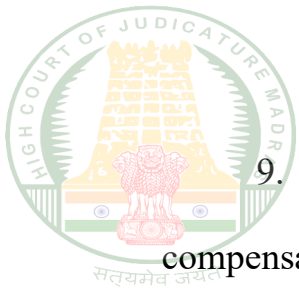
5. Heard the learned counsel on either side and perused the materials available on record.

6. The undisputed facts of this case are as follows:

- Accident
- Injuries sustained by the appellant
- Fixation of 60% permanent disability as per Ex.C1

7. The point for consideration in this appeal is whether the Tribunal is right in not awarding compensation for the actual cost for the purchase and maintenance of the prosthetics limb and whether the Tribunal is right in not awarding compensation under the heads loss of amenities, loss of marriage prospects and loss due to disability and disfigurement.

8. In this case, the Tribunal, while awarding compensation under various heads, awarded an amount of Rs.3,00,000/- towards fixation of artificial limb. It is the submission of the learned counsel for the appellant that Mohammed Rizwan (PW3), official of the manufacturer of prosthetic limb, was examined and through him Ex.P14 invoice was marked. As per Ex.P14, the value of the prosthetic leg was Rs.21,00,000/- and Rs.5,00,000/- was added towards maintenance.



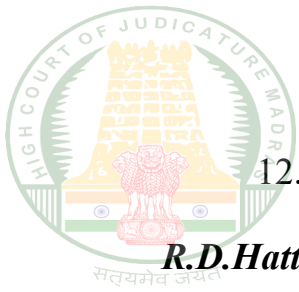
9. The Apex Court, in **Mohd. Sabeer** (*supra*), while dealing with compensation for purchase and maintenance of prosthetic limb, has held as follows:

“23. As per the current compensation given for the prosthetic limb and its maintenance, it would last the Appellant for only 15 years, even if we were to assume that the limb would not need to be replaced after a few years. The Appellant was only 37 years at the time of the accident, and it would be reasonable to assume that he would live till he is 70 years old if not more. We are of the opinion that the Appellant must be compensated so that he is able to purchase three prosthetic limbs in his lifetime and is able to maintain the same at least till he has reached 70 years of age. For the Prosthetic limbs alone, the Appellant is to be awarded compensation of Rs. 7,80,000 and for maintenance of the same he is to be awarded an additional Rs. 5,00,000/-.”

(Emphasis supplied)

10. In **Prahlad Sahai** (*supra*), the Apex Court has quoted with approval the compensation awarded for purchase and maintenance of prosthetic limb in **Mohd. Sabeer** (*supra*).

11. In view of the law laid down by the Apex Court in **Mohd. Sabeer** (*supra*) and **Prahlad Sahai** (*supra*), which squarely applies to this case, this Court is inclined to enhance the compensation for fixation of artificial leg from Rs.3,00,000/- to Rs.26,00,000/-.



12. In **Mohd. Sabeer** (*supra*), the Supreme Court, following **R.D.Hattangadi v. Pest Control (India) (P) Ltd.**, reported in (1995) 1 SCC 551, has further held with regard to non-pecuniary compensation. The relevant portion from **Mohd. Sabeer** (*supra*) is worthy of reproduction:

“25. In **R.D.Hattangadi v. Pest Control (India) (P) Ltd.** [**R.D.Hattangadi v. Pest Control (India) (P) Ltd.**, (1995) 1 SCC 551 : 1995 SCC (Cri) 250] dealing with the different heads of compensation in injury cases this Court held that:

“9. Broadly speaking while fixing the amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant: (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far as non-pecuniary damages are concerned, they may include: (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in the future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for the loss of expectation of life i.e. on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment,



frustration and mental stress in life.”

26. In light of the above decision of this Court and the facts and circumstances of the case at hand, the compensation to be awarded is as follows:

I. Compensation for pain and suffering — Rs 2,00,000

II. Compensation for loss of amenities of life — Rs 2,00,000

III. Compensation for disability and disfigurement — Rs 2,00,000”

(Emphasis supplied by this Court)

13. Following the same, this Court is inclined to grant Rs.2.00,000/-, Rs.1,00,000/- and Rs.2,00,000/- towards loss of amenities, loss of marriage prospects and loss due to disability and disfigurement, respectively.

14. Hence, the compensation awarded by the Tribunal deserves to be enhanced and the appellant is entitled to compensation under various heads as under:

S. No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/ enhanced/ reduced/ granted
1	Medical expenses	6,92,356	6,92,356	Confirmed
2	Transportation Expenses	25,000	50,000	Enhanced
3	Extra nourishment	20,000	50,000	Enhanced
4	Attendant charges	1,00,000	1,00,000	Confirmed
5	Loss due to disability	27,21,600	27,21,600	Confirmed
6	Pain and suffering	5,00,000	5,00,000	Confirmed



S. No.	Description	Compensation awarded by the Tribunal (in Rs.)	Compensation awarded by this Court (in Rs.)	Compensation confirmed/ enhanced/ reduced/ granted
7	Fixation of artificial leg	3,00,000	26,00,000	Enhanced
8	Loss of amenities	-NIL-	2,00,000	Granted
9	Loss of marriage prospects	-NIL-	1,00,000	Granted
10	Loss due to disability and disfigurement	-NIL-	2,00,000	Granted
Total		43,58,956	72,13,956	Enhanced by Rs.28,55,000

15. In the result,

- This Civil Miscellaneous Appeal is partly allowed and the award passed by the Tribunal for an amount of Rs.43,58,956/- is enhanced to Rs.72,13,956/-. No costs.
- The respondent/Corporation is directed to deposit a sum of Rs.72,13,956 /- (less the amount already deposited) with interest at the rate of 7.5% per annum, from the date of claim petition till the date of deposit, within a period of two months from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.1417 of 2021 on the file of the Motor Accidents Claims Tribunal, II Special Court, Small Causes Court, Chennai.
- On such deposit being made, the appellant is at liberty to withdraw the amount, with costs and interest, after filing a proper petition for withdrawal.
- The appellant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.



e. The appellant is not entitled to any interest for the default period in filing the above appeal, if any.

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24-06-2026

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

nsd

To

1.The II Special Judge, Motor Accidents Claims Tribunal,
Small Causes Court, Chennai.

2.The Section Officer,
V.R. Section, Madras High Court.



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A.D.JAGADISH CHANDIRA J.

nsd

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