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CMA.No.1147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.1147 of 2024

Praveenraj (Minor)

Minor appellant represented by
his father / next friend Rajasekar

... Appellant

VS.

The Managing Director,
Metropolitan Transport Corporation Limited,
Pallavan Salai, Pallavan House,
Anna Salai, Chennai - 600 002.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award dated 04.03.2023 in M.C.O.P.272/2015 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.I, Small Causes Court, Chennai.

For Appellant : Ms.G.Anitha
For Respondent : Mr.Anton Dhanasekaran

J U D G M E N T

The appellant is the claimant in M.C.O.P.272/2015 on the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai. He filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 and Rule 3 of the Motor Vehicles Rules, seeking compensation of



CMA.No.1147 of 2024

Rs.1,00,00,000/- for the injuries sustained by him in a road accident that occurred on 24.02.2012.

2. The brief case of the claimant in a nutshell is as follows :

On 24.02.2012, the claimant was alighting the bus bearing Registration Number TN-01-N-5380 belonging to the Metropolitan Transport Corporation Limited at Ambattur bus stop and at that time, the driver of the bus, moved the bus rashly and negligently, as a result of which, the claimant fell down and sustained crush injuries on his left leg.

3. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the respondent, Metropolitan Transport Corporation was the cause of the accident and therefore, the Transport Corporation is liable to pay compensation to him.

4. The respondent, the Metropolitan Transport Corporation Limited, Chennai, contested the claim petition by filing its counter.



CMA.No.1147 of 2024

5. The Tribunal, vide its orders dated 04.03.2023, fastened negligence on the part of the driver of the bus and awarded compensation of Rs.3,08,000/- to the claimant together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellant / claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Heard Ms.G.Anitha, learned counsel appearing for the appellant and Mr.Anton Dhanasekaran, learned counsel appearing for the respondent.

8. Ms.G.Anitha, learned counsel appearing for the appellant contended that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. She therefore, prayed for enhancement of the compensation.

9. Per contra Mr.Anton Dhanasekaran, learned counsel appearing for the respondent contended that the Award passed by the



CMA.No.1147 of 2024

Tribunal is based on the well laid principles of law which were in vogue at the time of passing of the order and therefore, the same need not be disturbed at this stage.

10. A perusal of the Medical records shows that the claimant had sustained a crush injury on his left leg. The Regional Medical Board attached to the Royapettah Medical College Hospital, Chennai, has assessed the partial permanent disability of the claimant as 40%. Since there was no functional disability, Tribunal has fixed Rs.3,000/- per percentage of disability and awarded a sum of Rs.1,20,00/- for partial permanent disability. It is pertinent to point out that the claimant was aged 13 years on the date of the accident and the accident took place in the year 2012. Considering the same, awarding Rs.5,000/- per percentage would meet the ends of justice. Thus, a sum of Rs.2,00,000/- ($5,000 \times 40 = 2,00,000$) is awarded towards partial permanent disability.

11. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court under various heads.



CMA.No.1147 of 2024

WEB COPY

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Partial permanent disability	1,20,000	2,00,000
2.	Pain and sufferings	50,000	50,000
3.	Transportation expenses	4,000	10,000
4.	Extra nourishment	10,000	25,000
5.	Attender charges	24,000	25,000
6.	Loss of amenities	50,000	2,00,000
7.	Loss of Matrimonial prospects	50,000	
	Total	Rs.3,08,000/-	Rs.5,10,000/-

12. Thus, the compensation awarded by the Tribunal is enhanced to Rs.5,10,000/- that would carry interest at the rate of 7.5% per annum.

13. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced to Rs.5,10,000/-.
- The appellant / claimant is directed to pay the Court fee for the



CMA.No.1147 of 2024

WEB COPY

enhanced compensation amount, if any, within a period of four weeks from the date of this order and the Registry is directed to draft the decree only after receipt of the Court fee.

- iv. The respondent, the Metropolitan Transport Corporation Limited, Chennai, is directed to deposit the enhanced compensation amount i.e., Rs.5,10,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.272/2015 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.I, Small Causes Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order / uploading of this order.
- v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same after following due process of law.
- vi. The appellant / claimant is not entitled to claim interest for the period of delay of 34 days in filing this appeal.

24.10.2024

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



CMA.No.1147 of 2024

WEB COPY
To

1. The Motor Accident Claims Tribunal,
Special Sub Court No.I,
Small Causes Court, Chennai.
- 2.The Managing Director,
Metropolitan Transport Corporation Limited,
Pallavan Salai, Pallavan House,
Anna Salai, Chennai - 600 002.
3. The Section Officer, V.R. Section,
Madras High Court, Chennai.



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CMA.No.1147 of 2024

R.HEMALATHA, J.

vum

C.M.A.No.1147 of 2024

24.10.2024