



C.M.A.No.65 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.65 of 2025

J.Imran Khan

... Appellant

Vs.

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

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decretal order made in MCOP.No.509 of 2014 dated 18.10.2023 on the file of the Special Sub Judge No.II, (Motor Accidents Claims Tribunal) Court of Small Court of Small Causes Court, at Chennai.

For Appellant : Ms.Amar Dineshbhai
Pandiy

For Respondent : Mr.Murali Vinoth

JUDGMENT

Assailing the award passed in MCOP.No.509 of 2014 vide



C.M.A.No.65 of 2025

judgment dated 18.10.2023 on the file of the Special Sub Judge No.II, (Motor Accidents Claims Tribunal) Court of Small Court of Small Causes Court, at Chennai, the present civil miscellaneous appeal has been filed by the appellant / claimant.

2. The brief facts necessary to dispose of the above appeal are as follows :-

(i) On 15.11.2013 at about 19.45 hrs, when the appellant / claimant was driving the TATA ACE van bearing Regn.No.PY 01 AV 9628, at that time, an MTC bus bearing Regn.No.TN 01 N 8233 belonging to the respondent Corporation which was coming in the opposite direction driven by the driver, came in a rash and negligent manner and dashed the Van in which the appellant was travelling, due to which, the claimant sustained grievous injuries. Since the said act was due to the Driver of the bus, the appellant / claimant claimed a compensation of Rs.25,00,000/- under various heads.

3. Before the Tribunal, the claimant examined himself as P.W.1 and marked Exs.P1 to Ex.P.17. On the side of the respondents, they



C.M.A.No.65 of 2025

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examined R.W.1 and no documents were marked on their behalf. After adjudication, the Tribunal awarded a sum of Rs.27,18,000/- as compensation in favour of the claimant.

4. The learned counsel appearing for the appellant submitted the above said accident happened solely due to the rash and negligent driving on the part of the driver of the bus. Moreso, the accident is of the year 2013 and the appellant was employed as Driver earning not less than a sum of Rs.12,000/- per month. Though the Tribunal has rightly fixed 100% towards disability, however, it erred in awarding a sum of Rs.8,000/- per month as notional income which is very meagre and the award under the other heads are also on the lower side, which requires interference of this Court. Accordingly, he prayed for passing appropriate orders.

5. The learned counsel appearing for the respondent Corporation submitted that, upon examining the oral and documentary evidence, the Tribunal has rightly awarded a sum of Rs.27,18,000/- payable by the respondent Corporation which is just and reasonable and the same does



C.M.A.No.65 of 2025

not require any interference.

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6. Heard the learned counsel appearing for the appellant and the learned counsel for the respondent and perused the materials available on record.

7. The factum and manner of the accident is not disputed by the parties and the parties have not raised any issue on the aspect of negligence and therefore, this Court is not venturing into the same.

8. The issue involved in the present appeal is with regard to quantum of compensation awarded by the Tribunal. At the time of accident, the appellant was employed as Driver. Since the left leg of the claimant was bend and the extent of the disability would really hamper the claimant from discharging his work as a Driver, the Tribunal has fixed 100% towards disability which cannot be interfered with. It has been the view of the Courts that even a housewife is entitled to monthly income to be fixed for the purpose of qualifying their work for the



C.M.A.No.65 of 2025

purpose of quantifying the amount receivable by them. Moreso, the Tribunal has fixed the notional monthly income at Rs.8,000/-, which is on the lower side. Applying the ratio laid down by the Hon'ble Supreme Court in the case of *Syed Sadiq Vs. United India Insurance Company* reported in **2014 (1) TANMAC 459**, fixing a notional income of Rs.12,000/- and adding future prospects at 40%, as has been held by the Constitution Bench in the case of *National Insurance Company Limited Vs. Pranay sethi and others* reported in **2017 (16) Supreme Court Cases 680**, the total income per month is quantified at Rs.16,800/- (12,000 + 4800) and the injured being aged about 22 years, as evidenced from the records, adopting the multiplier of 18 as fixed by the Apex Court in the case of *Sarla Verma and Ors. v. DTC & Ors.* reported in **(2009) 6 SCC 121**, the loss of income to the claimant is arrived at Rs.16,800/- * 12 * 18 = Rs.36,28,800/-.

9. A sum of Rs.50,000/- has been awarded under the head “loss of amenities” which is not sustainable. Hence, the same is rejected. Insofar as the compensation awarded under the other heads are concerned, they



C.M.A.No.65 of 2025

are just and reasonable and the same does not require any interference.

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10. In the above circumstances, the compensation awarded by the Tribunal is modified as under :-

<i>Heads</i>	<i>Awarded by the Tribunal (Amount in Rs.)</i>	<i>Awarded by this Court (Amount in Rs.)</i>
Loss of earning capacity	24,20,000/-	36,28,800/- (enhanced)
Pain and suffering	1,00,000/-	1,00,000/-
Loss of income	40,000/-	40,000/-
Medical expenses	18,000/-	18,000/-
Attender charges	50,000/-	50,000/-
Transportation	15,000/-	15,000/-
Loss of amenities	50,000/-	-
Extra nourishment	25,000/-	25,000/-
Total	27,18,000/-	38,76,800/-

11. Accordingly, this appeal is allowed in part and the compensation amount is enhanced from **Rs.27,18,000/-** to **Rs.38,76,800/-** and the respondent / Transport Corporation is directed to deposit the compensation amount, awarded by this Court above, to the credit of M.C.O.P.No.509 of 2014 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as



C.M.A.No.65 of 2025

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awarded by the Tribunal, less the amount, if any already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant through RTGS within a period of two weeks thereafter. There shall be no order as to costs in the present appeal.

22.01.2025

Index : Yes / No
Speaking order / Non-speaking order
Netruial Citation Case : Yes / No
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To

1. IV Judge, Motor Accidents Claims Tribunal (Court of Small Causes) Chennai.
- 2.The Section Officer, V.R.Section, High Court, Madras.



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C.M.A.No.65 of 2025

M.DHANDAPANI, J.

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C.M.A.No.65 of 2025

22.01.2025