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CMA No. 80 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 80 of 2025

1. K.Sarathkumar

S/o. Kumar, No.2/282, Bharathi Street,
Mannivakkam, Kancheepuram - 048.

Appellant(s)

Vs

1. The Managing Director

Metro Transport Corporation Limited,
No.2, Pallavan House, Anna Salai,
Chennai - 002.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation in MCOP No.2246 of 2022, dated 16.11.2024 on the file of the Motor Accidents Claims Tribunal in the Special Sub Court-I of Small Causes Court.

For Appellant(s): Mr.R.Mohan Babu

For Respondent(s): Mr. M.Murali Vinodh



JUDGMENT

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The appellant has filed this appeal praying to enhance the compensation awarded in MCOP No.2246 of 2022, dated 16.11.2024 on the file of the Motor Accidents Claims Tribunal in the Special Sub Court-I of Small Causes Court.

2. The brief facts of the case of the appellant/claimant are as follows:

On 30.04.2022 at about 6.30 hrs when the petitioner was properly and cautiously riding a motorcycle TN 11 U 1930 towards Ashok Pillar to Kodambakkam, when nearing to Ashok Nagar PTC signal at that time a Government Bus bearing Reg.No.TN 01 AN 1291 came in the same road and same direction in a very rash and negligent manner turn the bus right side of the road without proper indication and signal and hit against the petitioner's motorcycle in left side and caused the accident. Due to which the petitioner have sustained grievous injuries all over the body and taken to hospital for treatment. The accident took place solely due to rash and negligent driving of the Government bus TN-01 AN 1291.

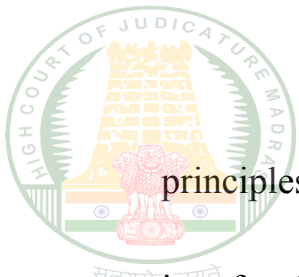


WEB COP 3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,94,000/- as compensation, directing the respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by 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.

5. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

6. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal is based on well-settled



principles of law applicable at the time of the order, and therefore, it need not be interfered.

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7. The Medical Board assessed his partial permanent disability at 16%.

The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.7,000/- per percentage of disability. However, considering the claimant's age (23 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.9,000/- per percentage. Accordingly, a sum of Rs.1,44,000/- (Rs.9,000 x 16%) is awarded towards partial permanent disability.

8. The claimant is working as a private car driver and earning Rs.20,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.15,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least six



months. Therefore, a sum of Rs.90,000/- (Rs.15,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery.

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Additionally, the amount awarded by the Tribunal under the heads of Pain and suffering, Transportation and loss of amenities are enhanced to Rs.50,000/-, Rs.10,000/- and Rs.20,000/- respectively. The compensation awarded under the other heads by the Tribunal is confirmed.

9. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	1,12,000	1,44,000
2.	Pain and Sufferings	30,000	50,000
3.	Transportation	4,000	10,000
4.	Medical Expenses	1,000	1,000
5.	Extra Nourishment	10,000	10,000
6.	Attender Charges	600	600
7.	Loss of earnings	26,000	90,000
8.	Loss of amenities	10,000	20,000
	Total	1,93,600	3,25,600
	Rounded off	1,94,000	



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Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,94,000/- to Rs.3,25,600/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.1,94,000/- to Rs.3,25,600/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The respondent, Metro Transport Corporation Limited, is directed to deposit the enhanced compensation amount, i.e., Rs.3,25,600/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit



of M.C.O.P. No. 2246 of 2022 on the file of the Motor Accidents Claims

Tribunal in the Special Sub Court-I of Small Causes Court, Chennai, within a

period of eight weeks from the date of receipt or uploading of a copy 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 shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

21-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The Managing Director
Metro Transport Corporation Limited,
No.2, Pallavan House, Anna Salai,
Chennai – 600 002.

2. The Motor Accidents Claims
Tribunal in the Special Sub Court-I of
Small Causes Court, Chennai.

3. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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