



WEB COPY

CMA No. 837 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 837 of 2024

1. Sudhakara Vadhanam
S/o Sundara Vadhanam, No.8, Kambar
Street, Barathidasan Nagar, Alapakkam,
Chennai 600 116

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
Ltd, NO.2, Pallavan House, Anna Salai
Chennai 2

Respondent(s)

PRAYER

Civil Miscellaneous appeal filed under Section 173 of Motor Vehicle Act, 1988, prays to set aside the decree and judgment dated 30.11.2022 passed in MCOP.No.1327/2015 by the learned II Motor Accident Claims Tribunal at Chennai, II Small Causes Court, at Chennai and enhance the award from the amount of Rs.60,600 to Rs.5,60,600(Rupees Five Lakhs and Sixty Thousands and six hundred only) as restricted prayed before this Honble Court and direct the respondent to pay the award amount along with interest and cost.

For Appellant(s): Mr.T.G. Ravichandran

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

JUDGEMENT

The appellant has filed this appeal to set aside the decree and judgment dated 30.11.2022 passed in MCOP.No.1327 of 2015 by the learned II Motor



Accident Claims Tribunal, Chennai, II Small Causes Court, at Chennai.

WEB COPY

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.60,600/- 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 deposit.

3. 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.

4. The learned counsel for the appellant submitted that the claimant had sustained grievous injuries, including fractures in both heels. However, though the disability certificate marked as Exhibit P-11 certified 45% disability, the Tribunal failed to consider the same while awarding compensation. Hence, he prayed for enhancement of compensation by taking into account the disability certificate.

5. The learned counsel for the respondent, on the other hand, submitted that the claimant did not appear before the Medical Board, and the disability certificate was issued by a private doctor who had not treated the injured.



Therefore, the Tribunal rightly rejected the said certificate, and the award passed requires no interference.

WEB COPY

6. On consideration of the submissions made by both sides and on perusal of the records, it is revealed that the claimant sustained grievous injuries, “compound fracture of both bones right leg, Right heel pad Avulsion”, in the said accident. Admittedly, the doctor who issued the disability certificate had not treated the claimant. However, taking into account the nature of the injuries, this Court is inclined to fix the permanent partial disability at 20% and awarded Rs.5,000/- per percentage. Accordingly, a sum of Rs. 1,00,000/- (Rs. 5,000 x 20%) is awarded towards partial permanent disability.

7. The accident occurred in the year 2014. The claimant was employed as a technical labourer, therefore, his monthly income is reasonably fixed at Rs.12,000/-. The claimant / appellant was hospitalized for 21 days, due to the said accident, and he was unable to attend to his regular work for at least four months. Therefore, a sum of Rs. 48,000/- (Rs. 12,000 x 4 months) is awarded towards loss of income.

8. The learned counsel for the appellant further submitted that the claimant had taken treatment at MIOT Hospital, but the Tribunal failed to consider the same. Before the Tribunal, the medical bills were marked as



Exhibits P-6 to P-8.

WEB COPY

9. The learned counsel for the respondent contended that only medical bills amounting to Rs.10,000/- were produced before the Tribunal and that the bills now relied upon by the appellant were not placed on record earlier.

10. Before the Tribunal, the medical bills were marked as Exhibits P-6 to P-8. The appellant has now produced true copies of the remaining medical bills before this Court. The documents reveal that he had indeed taken treatment at MIOT Hospital, incurring a total cost of Rs.2,72,000/-. Out of this amount, Rs.1,39,000/- was paid through insurance, and the balance of Rs.1,33,000/- was paid by the appellant personally. The Tribunal failed to take note of this fact and considered only Rs.10,575/- towards medical expenses.

11. Therefore, this Court is inclined to enhance the medical expenses Rs.10,575/- to Rs.1,30,000/-. Additionally, the amount awarded by the Tribunal under the heads of pain and sufferings, Attender charges, Transportation and Extra nourishment are enhanced to Rs.30,000/-, Rs.12,000/-, Rs.10,000/- and Rs.15,000/- respectively. In all other heads, the award passed by the Tribunal remains unchanged.



12. 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	Nil	1,00,000
2.	Pain and Sufferings	10,000	30,000
3.	Loss of earning during treatment	15,000	48,000
4.	Medical expenses	10,575	1,30,000
5.	Loss of amenities	10,000	10,000
6.	Attender charges	5,000	12,000
7.	Transportation	5,000	10,000
8.	Extra nourishment	5,000	15,000
	Total	60,575	3,55,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.60,575/- to Rs.3,55,000/-, which shall carry interest at the rate of 7.5% per annum.

13. 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.60,575/- to Rs.3,55,000/-.

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, Metropolitan Transport Corporation, Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.3,55,000/- (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 deposit, to the credit of M.C.O.P. No. 1327 of 2015 on the file of the Motor Accident Claims Tribunal, II 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 by the respondent, 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.

30-07-2025

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



CMA No. 837 of 2024



To

1. The Managing Director
Metropolitan Transport Corporation
Ltd, NO.2, Pallavan House, Anna Salai
Chennai 2.

2. The II Motor Accident Claims
Tribunal at Chennai, II Small Causes
Court, at Chennai.

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



WEB COPY

CMA No. 837 of 2024



T.V.THAMILSELVI J.
rri

CMA No. 837 of 2024

30-07-2025