



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 96 of 2025

1. GOVINDAMMAL

W/o. Anandan, No. 12, Dr.Ambedkar
Nagar, West Velacherry,
Adambakkam,Chennai 88.

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport corporation Ltd,
Anna Salai, Chennai 2.

Respondent(s)

CMA No. 96 of 2025

PRAYER

To enhance the order passed by Honble Tribunal on the file of MACT, III Court of Small Causes Court, Chennai dated 16.03.2023 made in MACTOP No. 9163 of 2015 from Rs. 1,60,200/- to Rs. 6,60,200/- with interest, cost and thus render justice.

CMA No. 96 of 2025

For Appellant(s): Mr.K.V.Muthu Visakan



For Respondent(s): Mr.A.Vinothraj

ORDER

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This Civil Miscellaneous Appeal has been filed to enhance award passed by Tribunal on the file of MACT, III Court of Small Causes Court, Chennai dated 16.03.2023 made in MACTOP No. 9163 of 2015.

2. On 02.10.2015 at about 09.30 hours, when the claimant was pillion rider of the motorcycle bearing registration No. TN 07 CB 7260 at 100 feet road and Nirkundram Pathai Junction, Vadapalani, at that time MTC A/c bus bearing registration No. TN 01 AN 0840 came behind the petitioner vehicle in rash and negligent manner at great speed and dashed behind the petitioner vehicle due to which the petitioner had sustained grievous and multiple injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation and respondent also contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the petitioner submits that due to the said accident the claimant sustained 3 fractures and undergone surgeries due to



which the claimant is not able to do his routine work as did before. Further, P.W.3/doctor certified 50% partial permanent disability but the evidence of the doctor was not considered by the tribunal and fixed only 10% as disability without considering grievous nature of the injuries. Hence, filed this appeal for enhancement.

4. The learned counsel for the respondent submits that the claimant has not suffered any permanent disability nor medical board certified 15% disability therefore the Tribunal rightly fixed 10% towards disability as such is sustainable. Further, pointed out that claimants himself relied the salary certificate which shows that she received only Rs. 6000/- as salary and the same was rightly appreciated by the Trial Court.

5. Heard both sides.

6. Considering the submissions on either sides and also on perusal of records, it reveal that the claimant has undergone surgeries and taken in-patient treatment on various occasion for 95 days. Further, the disability certificate marked by the claimant was issued by private doctor not by medical board. However, considering the grievous injuries sustained by the claimant, this court



is inclined to fix 40% as disability. Accordingly, the claimant is entitled to Rs.2,80,000/- under the head of disability. Considering the cost of living at the time of the accident, this Court is inclined to fix Rs.12,000/- as notional income of the claimant, due to the said injury the claimant would have lost his income for 8 months. Hence, this Court is inclined to award Rs. 96000/- under the head of loss of income for 8 months.

7. The claimant has sustained multiple injuries and taken in-patient treatment for 95 days. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings and transportation from Rs. 40,000/- to Rs.75,000/-, Rs.4,000/- to Rs.10,000/-, respectively. Further, the claimant require extra nourishment for recovery hence this Court is inclined to enhance the amount awarded under the head of extra nourishment from Rs. 10,000/- to Rs.15,000/-. Further, the damages to clothes and loss of amenities also enhanced to Rs. 2,000/- and 25,000/-, respectively. Except above modification, the award passed by the Tribunal in other heads remain unchanged.



8. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs. 40,000/-	Rs.75,000/-
2.	Loss of Income	Rs.26,660/-	Rs.96,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.4,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.28,500/-	Rs.28,500/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.2,000/-
8.	Lost of amenities	Rs.10,000/-	Rs.25,000/-
9.	For permanent disability	Rs.40,000/-	Rs. 2,80,000/-
10	Total	Rs. 1,60,160/-	Rs.5,31,500/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 5,31,500/-**. The **respondent** is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MACTOP No. 9163 on the file of MACT, III Court of Small Causes Court, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is permitted to withdraw



the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any excessive amount has already been deposited before the tribunal.

9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

12-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The MACT, III Court of Small Causes Court, Chennai.
2. The Section Officer, V. R Section, High Court, Madras.



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CMA No. 96 of 2025



T.V.THAMILSELVI J.
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CMA No. 96 of 2025

12-08-2025