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C.M.A.No.129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.129 of 2025

Kamalakannan

... Appellant

Vs.

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai – 600 002.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the common order dated 01.02.2024 in M.C.O.P.No.4946 of 2018 on the file of IV Court of Small Causes Court, Chennai.

For Appellant : Mr.K.V.Muthu Visakan

For Respondent : Mr.S.S.Santhosh Kumar

JUDGMENT

The above appeal is filed by the petitioner/claimant seeking an enhancement of the compensation awarded by the Motor Accident Claims



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Tribunal, (In the IV Court of Small Causes) Chennai in M.C.O.P.No.4946
of 2018 dated 01.02.2024.

2. The case of the appellant/claimant is that, on 07.05.2018 at about 14.35 hours, he was riding his motorcycle bearing Regn.No.TN-19-T-7131 along with one Varadhan as a pillion rider at G.S.T. Road, Anna Nagar, Thenpakkam, Achirapakkam P.S.Limit, Kancheepuram District proceeding towards Kongarai Village. At that time, an S.E.T.C. bus bearing Regn.No.TN-01-N-4952 proceeding in the same direction, was driven by its driver in a very rash and negligent manner and dashed against the motorcycle, thereby, they were thrown out and the appellant had sustained multiple grievous injuries and the pillion rider died in the above accident. Therefore, the appellant had filed a claim petition claiming a sum of Rs.1,00,000/- as compensation for the injuries sustained by him in the said road accident.

3. Before the Tribunal, on the side of the appellant 2 witnesses were examined viz., P.W.1 and P.W.2 and 17 documents were marked viz., Ex.P.1 to Ex.P.17. On the side of the respondents, one witness was examine viz., R.W.1 however, no documents were marked. After adjudication, the



Tribunal awarded a sum of Rs.20,000/- as compensation to the appellant.

Not satisfied with the same, the appellant has preferred the present appeal seeking enhancement.

4. Learned counsel appearing for the appellant submitted that the Tribunal had erred in awarding only a sum of Rs.20,000/- for injury (including traveling expenses, medical expenses, pain and suffering, nutrition expenses). Further, he submitted that the Tribunal has not awarded any compensation towards the other conventional head in the case of injury, which is wholly unsustainable, which requires to be re-considered by this Court. Accordingly, he prays for appropriate enhancement in favour of the appellant.

5. Per contra, learned counsel appearing for the respondent/Transport Corporation submitted that, the Tribunal has considered all the materials in proper perspective and awarded compensation of Rs.20,000/-, which is just and reasonable and the same does not require any enhancement. Accordingly, he prays for dismissal of the appeal.



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

7. The factum and manner of the accident is not disputed by the parties and so also the liability. Therefore, this Court is not entering into the said aspect. The only grievance of the appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. In this regard, this Court perused Ex.P.14/O.P. Records and Ex.P.1/FIR, which reveal that the appellant had sustained injuries in the accident, however, the appellant has not produced any material to show that he suffered any disability on account of such injuries. Therefore, the Tribunal had awarded a sum of Rs.20,000/- only. However, this Court is of the view that the Tribunal ought to have fixed a higher compensation, since no amount has been given under the other conventional heads. Hence, the compensation awarded by the Tribunal to the appellant stands enhanced to a sum of Rs.50,000/-.

8. Accordingly, this Civil Miscellaneous Appeal is partly allowed and the impugned award is modified, enhancing the compensation amount from **Rs.20,000/-** to **Rs.50,000/-**. The respondent/Transport Corporation is



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directed to deposit the compensation amount, awarded by this Court, to the credit of M.C.O.P.No.4946 of 2018 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 awarded by the Tribunal, less, the amount, if any already deposited, within a period of two weeks (2) 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 appellant/claimant through RTGS within a period of two (2) weeks thereafter upon production of proof with regard to payment of Court fee on the enhanced compensation. The appellant/claimant is directed to pay necessary additional Court fee on the enhanced compensation amount. No costs.

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(1/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
The Motor Accident Claims Tribunal / In the IV Court of Small Causes,
Chennai.



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M.DHANDAPANI, J.

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