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CMA No. 2675 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2675 of 2024

1. R.Gopi @ Venugopal
S/o. Rajarathinam, No. 3/184
Kodungaiyur, Chennai 600 118

Appellant(s)

Vs

1. Andhra Pradesh State Road Transport
Corporation
Rep by its Depo, Manager, Gudur -
Depo, Gudur P.O. Nellore Dt. Andhra
Pradesh State

Respondent(s)

CMA No. 2675 of 2024

PRAYER

To set aside the order dt. 28.06.2023 passed in MCOP No.2800/2016 on the file of Motor Accident claims Tribunal (In the III court of Small Causes, Chennai) and allow this appeal

CMA No. 2675 of 2024

For Appellant(s): K.Lavan

For Respondent(s): Ms.V.Shoba



JUDGEMENT

WEB COPY This Civil Miscellaneous Appeal has been filed to set aside the order dated 28.06.2023 passed in MCOP No.2800/2016 on the file of Motor Accident claims Tribunal (In the III court of Small Causes, Chennai)(in short "tribunal")

2. On 21.05.2015, at about 16.30 hours the driver of the RTC Bus bearing Registration No. AP 28 Z 5665 in a rash and negligent manner with a high speed while proceeding towards Thirumala from Gudur on the eastern side road NH-16 and suddenly took left diversion with intent to proceed towards Ozili Village from the high way without giving any signals to the rear coming vehicles, due to which, the motorcycle bearing Registration No. TN 05 AY 3799 driven by the claimant behind the RTC bus was hit to the front left portion of the RTC Bus and fell on the road divider with motorcycle along with pillion rider Mr.Gopal @ Venugopal as a result of which both the claimant and the pillion rider sustained greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The respondent contested the case by filing counter. On considering the oral and documentary evidence,



the tribunal awarded a sum of Rs.1,33,200/- as compensation. Challenging the quantum of compensation, the claimant filed this appeal.

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2. The learned counsel for the claimant/appellant herein submits that after due examination doctor issued 40% partial permanent disability certificate but the tribunal has not considered the above certificate while passing the award. Further, he submits that Medical bills which was submitted on the side of the claimant has not been properly considered and portion of the bills alone considered by the tribunal. Hence, he prays to enhance the compensation.

3. On perusal of the medical disability certificate, the tribunal accessed the partial permanent disability and the nature of the injury and surgery undergone by the claimant, the doctor certified 40% disability. Besides, he was not appeared before the medical board. However, considering the fact that the claimant was suffered with greivous injuries, due to which, he undergone surgery. Hence, this Court is inclined to fix 30% partial permanent disability for the claimant. The claimant is entitled to Rs.4,000/- per percentage. Accordingly, the claimant is entitled to Rs.1,20,000/-(30x4000). Further, this Court is inclined to enhance compensation for pain and sufferings, transportation charges,



attender charges, loss of amenities, from Rs.20,000/- to Rs. 50,000/-, from Rs.4,000/- to Rs.5,000/-, from Rs.1,800/- to Rs.3,000/-, from Rs.5,000/- to

Rs.10,000/-, respectively. Further, the claimant submitted medical bills for

Rs.1,30,000/-. Accordingly, the claimant is entitled to Rs.1,30,000/- under the

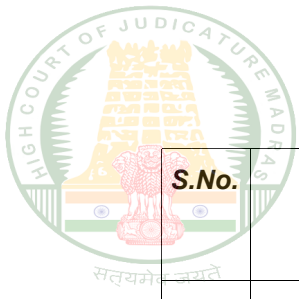
head of medical bills. Further, the accident was happened in the year 2015.

Hence, this Court is inclined to fix Rs.15,000/- as notional income of the

claimant. Accordingly, the claimant is entitled to Rs.45,000/-(15,000x3) for loss of income.

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

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.20,000/-	Rs.50,000/-
2.	Loss of Income	Rs.11,000/-	Rs.45,000/-
3.	Medical Expenses	Rs.60,415/-	Rs.1,30,000/-
4.	Transportation expenses	Rs.4,000/-	Rs.5,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.1,800/-	Rs.3,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.5,000/-	Rs.10,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
9	For permanent disability	Rs.20,000/-	Rs.1,20,000/-
10	Total	Rs.1,33,200/-	Rs.3,74,000/-

5. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.3,74,000/-**. 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 MCOP No.2800/2016, on the file of Motor Accident claims Tribunal (In the III court of Small Causes, 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 amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).



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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. Andhra Pradesh State Road Transport Corporation
Rep by its Depo, Manager, Gudur -
Depo, Gudur P.O. Nellore Dt. Andhra Pradesh State.
2. The Section Officer, V.R Section,
High Court, Madras.
3. The Motor Accident claims Tribunal
(In the III court of Small Causes,
Chennai)



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T.V.THAMILSELVI J.
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