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CMA No. 1416 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1416 of 2025

Ramesh @ Rameshkumar

Appellant

Vs

The Managing Director
Tamilnadu State Transport Corporation
Ltd., Salem Branch-1, No.12,
Ramakrishna Road, Salem Taluk and
District.

Respondent

PRAYER :- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicles Act, praying to allow the above CMA and enhance the award amount in the order dated 02.12.2022 made in MCOP No.381 of 2015 on the file of the Motor Accident Claims Tribunal, Subordinate Judge Court, Sankari.

For Appellant: Mr. T.S.Arthanareeswaran



For Respondent: Mr. D. Nitin

JUDGMENT

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The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.381 of 2015, dated 02.12.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 19.06.2014 at about 09.00 hours, when the petitioner was travelling in a bus bearing Regn. No. TN-30 N-1040 in Tiruchengode-Namakkal road, near Pachaiyamman koil, the driver of the driving down from the ridge in a rash and negligent manner applied sudden brake, the petitioner was fell down and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.15,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the

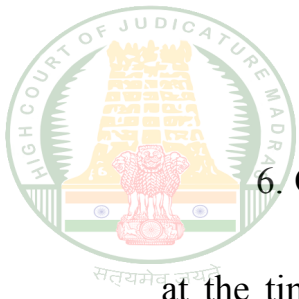


accident had taken place only due to the rash and negligent driving on the part of the rider of the respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.1,87,805/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Functional Disability	50,000
2.	Pain and sufferings	50,000
3.	Loss of income	24,000
4.	Extra nourishment	10,000
5.	Transportation	5,000
6.	Attender charges	5,000
7.	Medical expenses	43,805
	Total	1,87,805

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



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6. On perusal of award passed by the Tribunal below, the fact reveals that at the time of accident, the claimant was working as painter. So, the loss of income was fixed for three months. Furthermore, the tribunal has awarded a sum of Rs.8000/- towards loss of income. By relying the discharge summary, the learned counsel for respondent would submit that only 9 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to enhance the loss of income as five months. The accident was happened in the year 2014 and he was aged about 32 years. Therefore, on considering the cost of living, this Court is inclined to enhance the notional income from Rs.8,000/- per month to Rs.12,000/- per month. According to the respondent, while the petitioner travelling in a bus, he tried to get down from the bus. So, the Tribunal had fixed the contributory negligence on the part of petitioner at 50% without any material evidence as such is erroneous one and the same is liable to be set aside. Considering that, this court is inclined to fix the contributory negligence on the part of deceased at 10%. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



7. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Functional Disability	50,000
2.	Pain and sufferings	50,000
3.	Loss of income (Rs.12,000/- x 5)	60,000
4.	Extra nourishment	10,000
5.	Transportation	5,000
6.	Attender charges	5,000
7.	Medical expenses	43,805
	Total	2,23,805
	Less : 10% contributory negligence	22,380
	Compensation awarded	2,01,425
	Rounded off	2,01,430

8. The compensation awarded by the tribunal at Rs.93,903/- is enhanced to Rs.2,01,430/-. The respondent transport corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of this judgment. Insofar as the



enhanced compensation is concerned, the deficit court fee, if not paid, shall be

paid by the claimants. The other directions issued by the Tribunal with regard to

the mode of payment of compensation remains unaltered.

9. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

26-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Judge, Sankari

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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