



CMA.No.986 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA.No.986 of 2025

Manish Kumar
(Represented his father and next
friend Naval Kishor Prasad)

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Limited,
No.1, Pallavan Salai,
Chennai – 600 002.

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to allow the appeal and enhance compensation in MCOP.No.4207 of 2016 dated 21.08.2023 on the file of the Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

For Appellant :Mr.R.Navaneetha Krishnan

For Respondent :Mr.M.Murali Vinodh



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J U D G M E N T

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Not satisfied with the quantum of compensation awarded by the Tribunal, the injured claimant has come before this Court.

2. According to the appellant/claimant when he was travelling in MTC bus bearing Registration No.TN-01N-8400 at East Coast Road, opposite to Spencer Super Market, Injambakkam, Chennai, the bus driver had driven the vehicle in a rash and negligent manner and applied sudden brake. As a result of the same, the claimant who was travelling in the bus was thrown away and sustained head injury and hence the claim petition was filed seeking compensation of Rs.1,50,00,000/-.

3. The claim petition was opposed by the respondent Corporation mainly on the ground that the bus was driven by its driver steadily by following traffic rules and the accident had occurred only due to the negligence on the part of the injured by standing near foot steps.



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4. The Tribunal based on the evidence available on record came to the conclusion that the accident had occurred due to the negligence on the part of the driver of the respondent's bus and the amount payable to the claimant was quantified at Rs.40,23,500/- Not satisfied with the quantum of compensation, the claimant has come before this Court. Since the claimant became a person of unsound mind due to the head injury suffered, even before the Tribunal, he was represented by his father.

5. Both the counsel appearing for the appellant and the respondent Corporation have not advanced arguments on the aspects of negligence and liability. Therefore, the facts necessary for deciding negligence and liability have not been discussed in this judgment. The present appeal is confined to the quantum of compensation.

6. The learned counsel appearing for the appellant would submit that the claimant was a final year Engineering student at the relevant point of time and the Tribunal fixed only meagre income of Rs.6,000/- as notional income and the same requires enhancement.



7. The learned counsel appearing for the respondent would

submit that the injured claimant was only a student and in the absence of any document, the Tribunal was justified in fixing notional income only at Rs.6,000/-.

8. Ex.P20 is the transfer certificate issued by the Sathyabama University, at the time of accident. A perusal of the same would indicate he was B.E Chemical Engineering final semester student at the time of accident. Though in the claim petition, it was stated by the claimant that he was also a part time data entry operator, earning a sum of Rs.15,000/- per month, the claimant has not produced any documentary evidence in support of the said claim. However, in view of Ex.P20 transfer certificate issued by the educational institution, it is clear that at the time of accident, the claimant was B.E Chemical Engineering final semester student. Therefore, the possibility of claimant getting a job immediately, after the accident is on higher side. The claimant's father who was examined as PW.1. He clearly deposed that due to the head injury suffered by the claimant he lost his mental capacity and he is not in position to lead a meaningful life. He also deposed that on the date of accident, the claimant informed him that he was



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selected in an interview and he received an offer of Rs.30,000/- salary. It was further stated that the appointment order was sent to the e-mail I.D of claimant and due to the accident and the resultant mentally illness, the claimant is not in a position to recall the e-mail I.D and Pass word etc and produce the appointment order. Taking into consideration the entire facts and circumstances of the case and also the fact that the claimant is a B.E Chemical Engineering final year student, this Court is inclined to fix the notional income at Rs.15,000/- .

9. Ex.C1-disability certificate issued by the competent medical board would indicate that the claimant suffered post traumatic sequelae brain injury. The medical board assessed the disability at 83%. The claimant also examined a private Doctor as PW.2. He deposed about the mental disablement suffered by the claimant and his inability to do any work in a meaningful manner. In these circumstances, this Court feels that it would be appropriated to calculate the compensation payable under the disability by applying multiplier method. This Court has already fixed notional income of the claimant at Rs.15,000/-. The Tribunal fixed age of the claimant at 21, based on Ex.P22-Aadhar card of the claimant.



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Therefore, the claimant is entitled to 40% enhancement towards future prospects. The applicable multiplier is '18'. Hence, the compensation under the head disability is fixed at Rs.37,64,880/- (Rs.15,000/- x1.4x12x18x83/100)

10. The Tribunal awarded Rs.18,000/- under the head loss of earning during treatment period. Admittedly, the claimant was a B.E., final year student, therefore, the amount awarded by the Tribunal under the head loss of earning during treatment is set aside.

11. The Tribunal awarded Rs.21,52,282/- towards medical expenses, the same is based on medical bills produced by the claimant viz., Exs.P3, P5, P7, P9 and P16.

12. The Tribunal awarded Rs.1,00,000/- (each) under the heads pain and suffering and loss of amenities. Taking into consideration, the nature of the brain injury suffered by the claimant and the resultant disability and the suffering he has to undergo in future, the same are affirmed. The Tribunal awarded Rs.77,258/- under the head transport



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expenses based on the documents namely Ex.P17 and P18 and the same has not been disputed before the Tribunal. Hence, the same is confirmed. The amount awarded by the Tribunal under the head attender charges and extra nourishment are also affirmed.

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

Sl. No.	Description	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Disability	Rs.15,05,952/-	Rs.37,64,880/-
2.	Pain and suffering	Rs.1,00,000/-	Rs.1,00,000/-
3.	Loss of earning during treatment	Rs.18,000/-	Set aside
4.	Medical expenses	Rs.21,52,282/-	Rs.21,52,282/-
5.	Loss of amenities	Rs.1,00,000/-	Rs.1,00,000/-
6.	Attender Charges	Rs.50,000/-	Rs.50,000/-
7.	Transportation charges	Rs.77,258/-	Rs.77,258/-
8.	Extra nourishment	Rs.20,000/-	Rs.20,000/-
	Total	Rs.40,23,492/-	Rs.62,64,420/-



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14. In view of the discussions made earlier, the compensation

awarded by the Tribunal is enhanced to Rs.62,64,420/- from Rs.40,23,492/-.

The respondent is directed to deposit the enhanced award amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation (excluding the delay period of 339 days as per order in CMP.No.5369 of 2025), after deducting the amount already deposited, if any, to the credit of MCOP.No.4207 of 2016 dated 21.08.2023 on the file of the Motor Accidents Claims Tribunal, II Judge, Court of Small Causes, MACT, Chennai within a period of eight weeks from the date of receipt of copy of this judgment. The Tribunal is directed to deposit a sum of Rs.20,00,000/- in a fixed deposit scheme in any of the Nationalised Banks for a period of three years. The father of the claimant is permitted to withdraw the interest accrued thereon once in three months and the same shall be utilized for the benefit of the claimant. After expiry of three years, it is open to the claimant to approach the Tribunal seeking withdrawal of the amount and the same shall be considered by the Tribunal on its own merits. The appellant is permitted to withdraw the remaining amount.



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15. With the above directions, the Civil Miscellaneous Appeal

is allowed. The appellant is directed to pay applicable additional court fee for the enhanced award now determined by this Court. No costs.

22.04.2025

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1.The Motor Accident Claims Tribunal,
II Judge, Court of Small Causes, Chennai.

2.The Section Officer

VR Section, High Court, Madras.



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S.SOUNTHAR, J.

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