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CMA No. 743 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 743 of 2024

1. G. Nagappan

S/o. Gopal, No.11/382, East Street,
Periya Colony, Manapakkam,
Kancheepuram Dt 600 125.

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
Ltd., Pallavan Salai, Chennai 2.

Respondent(s)

CMA No. 743 of 2024

PRAYER

To set aside the order of the Tribunal dated 18.08.2023 in the Claim petition MCOP No.32 of 2020 on the file of the Motor Accidents Claims Tribunal, IV th Judge Court of Small Causes, Chennai.

CMA No. 743 of 2024

For Appellant(s): Mr. C.A. Anburaja

For Respondent(s): Mr.M.Murali Vinodh



JUDGEMENT

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This Civil Miscellaneous Appeal has been filed to set aside the order of the Tribunal dated 18.08.2023 in the Claim petition MCOP No.32 of 2020 on the file of the Motor Accidents Claims Tribunal, IV th Judge Court of Small Causes, Chennai.

2. On 19.11.2019 at about 17.00 hours the claimant was riding the TVS XL 100 bearing registration TN 10 AV 2288 from South to North on Kudrathur Porur Main Road, near Govt Adhidraavidar High School Gate, Moulivakkam, Chennai, at that time, the driver of MTC bus route No.88C registration No. TN 01 N 5459 driven the bus in a rash and negligent manner dashed against the claimant's TVS XL due to which the claimant fell down and sustained greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs. 1,51,455/- as compensation. Challenging the quantum of compensation the claimant filed this appeal.



3. The learned counsel for the claimant submits that the accident was happened in the year 2019 and the claimant has sustained 30% injury but the tribunal considered only 10% disability and also awarded very meagre amount under other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent raised objection stating that the disability certificate produced by the claimant is not obtained from the medical board. Hence, the tribunal rightly fixed the compensation which needs no interference.

5. Considering the fact that the claimant has sustained multiple injuries and his left leg was fractured. Considering the gravity of the injury, this Court is inclined to fix 25% disability and the accident was happened in the year 2019. Hence, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.2,00,000/- under the head of disability. Further, the claimant was worked as plumber and earned Rs.20,000/- per month. Hence, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.90,000/- for six months. Further, the tribunal has fixed very meagre amount under the head of



nutrition expenses, attender charges and pain and sufferings. Hence, this Court

is inclined to enhance the amount awarded for nutrition expenses from

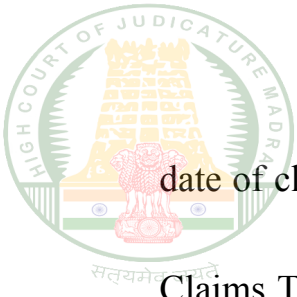
Rs.5,000/- to Rs.10,000/- and for attender charges from Rs.11,000/- to

Rs.15,000/- and for pain and sufferings from Rs.20,000/- to Rs.30,000. Except

above modification, the award passed by the tribunal remain unchanged.

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs. 20,000/-	Rs.30,000/-
2.	Loss of Income	Rs.11,000/-	Rs.60,000/-
3.	Medical Expenses	Rs.17455/-	Rs.17,455/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.11,000/-	Rs.15,000/-
7.	Damages to cloths and article	Rs.2,000/-	RS.2,000/-
8.	Lost of amenities	Rs.25,000/-	Rs.25,000/-
9.	For permanent disability	Rs.50,000/-	Rs.2,00,000/-
10	Total	Rs.1,51,455/-	Rs.3,69,455/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.3,69,455/-. 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 Motor Accidents

Claims Tribunal, IVth Judge 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).

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

18-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Managing Director
Metropolitan Transport Corporation
Ltd., Pallavan Salai, Chennai 2.
2. The Motor Accidents Claims
Tribunal, IV th Judge Court of Small
Causes, Chennai.
3. The Section Officer, V.R Section,
High Court, Madras.



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T.V.THAMILSELVI J.
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