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CMA No. 766 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 766 of 2024

S. Gayathri

Appellant

Vs

The Managing Director
Tamil Nadu State Transport Corpn Ltd.,
No.3/137, Salamedu Vazhuthareddy
Post, Villupuram Corporation,
Villupuram Dt.

Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the decree and judgement dated 21.11.2023 passed in MCOP No.1320 of 2017 by the learned IV Motor Accident Claims Tribunal at Chennai, IV Small Causes Court at Chennai and enhance the award from the amount of Rs.40,000/-to Rs.2,40,000/- (Rupees Two Lakhs and Forty thousand Only).

For Appellant: Mr.T.G. Ravichandran

For Respondent: Mr.A.Vinothraj



JUDGMENT

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The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.1320 of 2017, dated 21.11.2023 has preferred this appeal seeking for enhancement of compensation.

2. The case of appellant/petitioner is that on 29.11.2016 at about 09.00 hrs., when the petitioner was travelling in Auto bearing Regn. No. TN-10-T-2503 in the junction of Rajampuliyur near Sri Ram School, at that time, the TNSTC bus bearing Regn. No. TN-32-N-3944, came in a rash and negligent manner from the opposite direction, hit the auto and caused an accident. Due to which, the petitioner sustained grievous 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 driver of the respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.40,000/-. Thus, under the head of disability, a sum of Rs.25,000/- and a sum of



Rs.15,000/- awarded towards travelling, medical, pain and suffering and nutrition expenses. The said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4.The petitioner 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.

5. The learned counsel for appellant would submit that at the time of accident, she was aged about 27 years and the accident was happened in the year 2016. He would also submit that due to the accident, she had sustained disability over peri orbital region 7 cms (sutured) peri orbital edema and fracture zygomatic bone and the private doctor certified the disability as 25% of permanent disability, but the tribunal had fixed only a sum of Rs.5000/- per percentage of disability. He would further submit that though the appellant had sustained facial injury, she had incurred medical expenses, for which medical bill was also marked under Ex.P5, but it was not considered by the tribunal. Hence, he prayed to enhance the compensation.

6. The learned counsel for respondent would submit that the accident was happened in the year 2016 and she was not treated as inpatient and the medical board also not suggested her disability. Hence, the tribunal had rightly fixed her



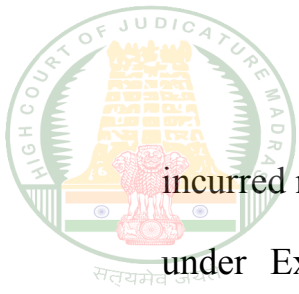
disability as 5% and rightly awarded a sum of Rs.5000/- towards per percentage of disability, which needs no interference of this court.

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7. Heard and considered rival submissions made by both learned counsel for appellant as well as respondent and perused materials available on record.

8. Considering both side submissions, the fact reveals that admittedly, she had suffered with 25% of permanent disability, for which she had undergone treatment in a private hospital, considering that the tribunal has awarded only a sum of Rs.5000/- per percentage. But, on seeing the facts, due to the said accident, she sustained injury over peri orbital region 7 cms (sutured) peri orbital edema and fracture zygomatic bone and the private doctor certified the disability as 25% of permanent disability and being a woman, she is unable to perform her duty as technical labour. So, considering the petitioner's age of 27 years and the fact that the accident was happened in the year 2016 and considering certification of disability by the private hospital, this court is inclined to fix her disability as 15% and also inclined to enhance the sum from Rs.5000/- to Rs.6000/- towards percentage of disability.

9. Furthermore, on perusal of award, it reveals that due to the accident, the appellant had sustained injury over peri orbital region 7 cms (sutured) peri orbital edema and fracture zygomatic bone, as a result of which, she had



incurred medical expenses of Rs.16,380/-, to that effect medical bill was marked under Ex.P5, but the tribunal has not awarded any amount for medical expenditure. However, on seeing the grievous injury as well as considering the medical bills spent for the injury sustained by her, this Court is inclined to award a sum of Rs.16,000/- towards medical expenses.

10. On perusal of discharge summary, the fact reveals that she had sustained facial injury, due to which she had sustained severe pain and she is unable to do her work as before. Therefore, this Court is inclined to fix a sum of Rs.25,000/- towards pain and sufferings.

11. Admittedly, on perusal of records, the fact reveals that she is a homemaker at the time of accident, which was happened in the year 2016. The tribunal had not fixed any sum towards loss of income. Therefore, on considering the nature of injury sustained by her, considering her age and also considering the cost of living at that time, this Court is inclined to award a sum towards notional monthly income as Rs.10,000/- per month. On considering the injuries as well as treatment period, this Court is inclined to fix the period for loss of income as four months. As she had suffered with the injury over peri orbital region 7 cms (sutured) peri orbital edema and fracture zygomatic bone, she was in need of more nourishment. Hence, this Court is inclined to fix a sum towards extra nourishment Rs.10,000/-. Considering the fact that during the



treatment period, the appellant had incurred huge expenses towards transportation, for which the sum awarded by the tribunal is very meagre one.

Hence, this court is inclined to fix a sum towards attender charges a sum of Rs.5,000/-.

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

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Disability (Rs.6000 x 15%)	25,000	90,000	enhanced
2.	Travelling expenses, medical expenses, pain and suffering and nutrition expenses	15,000		
3.	Pain and sufferings		25,000	awarded
4.	Loss of income (Rs.10,000/- x 4 months)		40,000	awarded
5.	Medical bill		16,000	awarded
6.	Nutrition expenses		10,000	awarded
7.	Loss of amenities		20,000	awarded
8.	Transportation		5,000	awarded
	Total	40,000	2,06,000	enhanced

13.The compensation awarded by the tribunal at Rs.40,000/- is enhanced to Rs.2,06,000/-. 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 copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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CMA No. 766 of 2024



T.V.THAMILSELVI J.

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**CMA No. 766 of 2024
AND CMA NO. 767 OF
2024**

**12-08-2025
(1/2)**