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CMA No. 803 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 803 of 2025

1. P.Kasiammal

W/o. Pachaiyappan, 11/12, Amman
Koil Street, Soraputhur, Japthikaranai
Post, Vandavasi T.K.

Appellant(s)

Vs

1. The Managing Director
Tamil Nadu State Transport
Corporation Limited, 3/337, Salamedu,
Villupuram - 602.

Respondent(s)

CMA No. 803 of 2025

PRAYER

To enhance the amount awarded in MACTOP No.3578 of 2019 dated 07.11.2023 by the IV Judge Court of Small Causes, Chennai from Rs.176000/- to Rs. 576000/- (as restricted by the appellant) against the claim of Rs.10,00,000/- with interest and cost and pass such further or other orders as this Honble Court.



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For Appellant(s): Mr.C.B.Santhosh Kumar

For Respondent(s): Mr.S.S.Santhosakumar

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ORDER

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MACTOP No.3578 of 2019 dated 07.11.2023 by the IV Judge Court of Small Causes, Chennai from Rs.176000/- to Rs. 576000/- (as restricted by the appellant) against the claim of Rs.10,00,000/- with interest.

2. On 03.11.2018 at about 12.30 hours the petitioner was travelling from Vandavasi to Koyambedu in respondent bus bearing registration No. TN 23 N 1949 (235A) Route No 148, while passing Anakaputhur Bridge in Maduravoyam Bypass Road, the respondent driver driven in a rash and negligent manner the left side bus tyre got burst and the petitioner seated inside the bus got severe injuries in both leg, immediately she was taken to hospital. 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 compensation. Challenging the quantum of compensation, the claimant filed



this appeal.

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3. The learned counsel for the petitioner submits that the tribunal has not appreciated the medical bills produced by the claimant to that effect he produced the medical bill which was marked as Ex.P10 and also the tribunal awarded very less amount in other heads.

4. The learned counsel for the respondent raised objection stating that the tribunal rightly fixed the compensation.

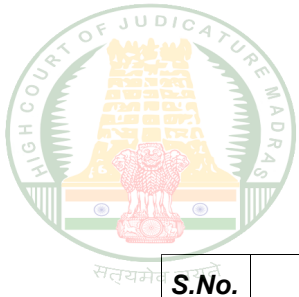
5. On perusal of the records, it clearly reveals that the claimant had taken treatment in Parvathy Hospital from 03.11.2018 to 10.11.2018 at the time of discharge he has paid a sum of Rs.1,46,983 as medical bills with prescription which was certified by the hospital authorities. Therefore, it proves that the claimant has paid the said amount and after discharge from the hospital he was treated as out patient to that effect he produced the medical bills with pharmacy bills which comes around Rs.26,590/-. But it was not appreciated by the tribunal. As discussed above, totally the claimant is entitled to Rs.1,73,573/- under the head of medical bills.



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6. In respect of per percentage method adopted by the tribunal, the accident was happened in the year 2018. Hence, this court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,60,000/- under the head of disability. Further, due to the said accident the claimant would have lost his income for three months. Hence, this Court is inclined to fix Rs.10,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.30,000/- under the head of loss of income. Further, this Court is inclined to enhance the amount awarded under the head of pain and sufferings from Rs.25,000/- to 30,000/- and for transportation from Rs.5,000/- to Rs.10,000/- and for Nutrition expenses from Rs.5,000/- to Rs.10,000/-. Further, the claimant has taken in-patient treatment for 8 days. Hence, this Court is inclined to fix Rs.12,000/- under the head of attender charges. Except above modification, the award passed by the tribunal in other heads remain unchanged.

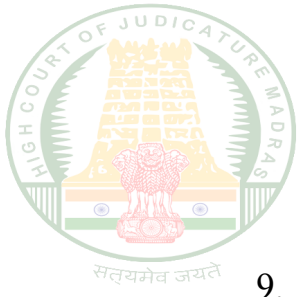
7. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-



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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.25,000/-	Rs.30,000/-
2.	Loss of Income	Rs.11,000/-	Rs.30,000/-
3.	Medical Expenses	Nil	Rs. 1,73,573/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.4,000/-	Rs.12,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.25,000/-	Rs.25,000/-
9.	For permanent disability	Rs.1,00,000/-	Rs.1,60,000/-
10	Total	Rs.1,76,000/-	Rs.4,50,573/-

8. Therefore, the compensation payable to the claimant is enhanced to Rs.4,50,573/-. The respondent is directed to deposit the said amount to the credit of MACTOP No.3578 of 2019 on the file of the IV Judge Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The claimant is directed to pay Court fee for enhanced amount.



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9. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

01-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The IV Judge Court of Small Causes, Chennai.
2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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