



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1649 of 2023

AND

CMA NO. 331 OF 2024

CMA No. 1649 of 2023:

V.Meganathan

...Appellant(s)

Vs

1.The Tamilnadu State Transport Corporation
(Villupuram Div) Ltd.,
Villupuram District.

2.The Tamilnadu State Transport Corporation
(Villupuram Div) Ltd.,
Kancheepuram Region,
Chennai Bangalore Highway,
Karapettai,
Kancheepuram – 631 501.

Respondent(s)

CMA No. 331 of 2024:

1. Radha (minor)
Rep. by his father and next friend
Mr.Ravisankar



Appellant(s)

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Vs

1. The Tamilnadu State Transport Corporation
(Villupuram Div.) Ltd.,
Villupuram District.

2. The Tamilnadu State Transport Corporation
(Villupuram Div) Ltd.,
Kancheepuram Region,
Chennai-Bangalore Highways,
Kancheepuram-631 501.

Respondent(s)

PRAYER in CMA No. 1649 of 2023: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 15.11.2019 in M.C.O.P.No. 3546 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accidents Claims Tribunal, Chennai.

PRAYER in CMA No. 331 of 2024: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 15.11.2019 in M.C.O.P.No. 2061 of 2006 on the file of the learned VI Judge, Small Causes Court, Motor Accidents Claims Tribunal, Chennai.

For Appellant(s): Ms.A.Subadra
for M/s.A.Shanmugaraj
in CMA No. 331 of 2024



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For Respondent(s): M/s.C.R.Sureshkumar
for Mr.A.Vinothraj for R1 and
R2 in CMA No. 331 of 2024
and
for R2 in CMA.No.1649 of 2023

R-1 -No Appearance
in CMA.No.1649 of 2023

COMMON JUDGMENT

CMA No. 1649 of 2023:

The present Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed in MCOP No.3546 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accidents Claims Tribunal, Chennai, seeking enhancement of compensation.

2.The Tribunal, on appreciation of the oral and documentary evidence, awarded a sum of ₹97,000/- with interest at 7.5% per annum. The grievance of the appellant is that the Tribunal had assessed the disability only at 20% and awarded an inadequate sum under that head. Hence, he seeks for enhancement of compensation.

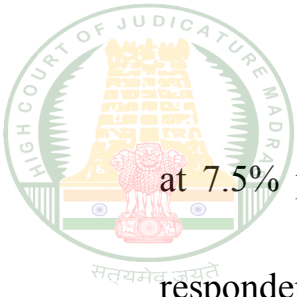


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3. On a perusal of Medical Records and considering the nature of injuries sustained, this Court is of the view that the assessment of 20% disability by the Tribunal requires modification. The functional disability of the appellant is fixed at 25% by this Court. Accordingly, under the head of Disability, this Court grants a sum of ₹75,000/- at the rate of ₹3,000/- per percentage. In respect of all other heads of compensation, the Award of the Tribunal is confirmed. The enhanced compensation would be a sum of Rs.1,12,000/-. Therefore, taking into consideration the above aspects, the modified amount is as follows:

<u>Head of Compensation</u>	<u>Awarded by Tribunal (Rs.)</u>	<u>Modified by High Court (Rs)</u>
Disability	-60,000/-	-75,000/-
Pain and Suffering	-10,000/-	-10,000/-
Transport to Hospital	-5,000/-	-5,000/-
Extra Nourishment	-5,000/-	-5,000/-
Medical Expenses	-7,000/-	-7,000/-
Loss of Amenities	-10,000/-	-10,000/-
Total	-Rs.97,000/-	-Rs.1,12,000/-

4. In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation of ₹97,000/- awarded by the Tribunal stands enhanced to Rs.1,12,000/- (Rupees One Lakh Twelve Thousand only) together with interest



at 7.5% per annum from the date of petition till the date of realisation. The respondents are directed to deposit the modified award amount, after deducting the amount already deposited, within a period of eight (8) weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No. 3546 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accidents Claims Tribunal, Chennai. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications. No costs.

CMA NO. 331 OF 2024:

5.It is the case of the claimant that the minor claimant Radha filed a petition in MCOP No.2061 of 2006 on the file of the Motor Accident Claims Tribunal (VI Small Causes Court, Chennai) claiming compensation for the injuries sustained in a road traffic accident that occurred on 12.02.2006 involving the buses of the respondent Corporation. The respondents denied the negligence, disputed the quantum of claim, and contended that the compensation claimed was excessive. The Tribunal, after analyzing the evidence on record, held that the accident occurred due to the rash and negligent



driving of the respondent's vehicle and awarded a total compensation of Rs.55,000/- with interest at 7.5% p.a. payable by the respondent Corporation.

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6.The learned counsel for the appellant/claimant contended that the Tribunal erred in fixing meagre compensation and failed to award just and reasonable amount under several heads, and hence, prayed for enhancement.

7.The learned counsel for the respondent Corporation supported the award, submitting that the Tribunal has considered the disability and other aspects in detail and granted fair compensation, and that no further enhancement is warranted.

8.This Court carefully considered the rival submissions and perused the records. The Tribunal, on appreciation of oral and documentary evidence, fixed the disability compensation and other heads of loss at Rs.55,000/-. The compensation awarded is reasonable and proportionate to the injuries sustained.

This Court finds no error or infirmity in the assessment made by the Tribunal



warranting interference. Accordingly, this Court finds no merit in the appeal.

The award of the Tribunal in MCOP No.2061 of 2006 granting a total compensation of Rs.55,000/- with interest at 7.5% p.a. is hereby confirmed.

9. Accordingly, this Civil Miscellaneous Appeal is dismissed. The respondents are directed to deposit the entire compensation amount of Rs.55,000/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No. 2061 of 2006 on the file of the learned VI Judge, Small Causes Court, Motor Accidents Claims Tribunal, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications.

The claimant is directed to pay the Court fee for the compensation



amount, if required. The Tribunal below shall not disburse the amount till such

time as proof of payment of Court Fee has been produced by the claimant. No

costs.

01-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The VI Judge,
Small Causes Court,
Motor Accidents Claims Tribunal,
Chennai.

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



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T.V.THAMILSELVI J.

mps

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