



C.M.A.No.419 of 2023
and C.M.A.No.2754 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.419 of 2023
and C.M.A.No.2754 of 2022
and C.M.P.No.21530 of 2022

C.M.A.No.419 of 2023:

Selvanathan

... Appellant

VS.

The Managing Director,
The Tamil Nadu State Transport Corporation Limited,
(Villupuram) 31/137, Salamedu,
Villupuram-605 602.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and to allow the claim in M.C.O.P.No.3230 of 2013 dated 04.01.2020 on the file of the Motor Accident Claims Tribunal (IV Small Causes Judge), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondent : Mr.C.R.Sureshkumar

C.M.A.No.2754 of 2022:

The Managing Director,
The Tamil Nadu State Transport Corporation Ltd.,
(Villupuram Divn.I) Ltd.,
No.3/137, Salamedu,
Vazhuthareddy Post
Villupuram 605401.

... Appellant



C.M.A.No.419 of 2023
and C.M.A.No.2754 of 2022

VS.

C.Selvanathan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside Judgment and Decree dated 04.01.2020 in M.C.O.P.No.3230 of 2013 on the file of the Motor Accidents Claims Tribunal – Chennai (in the IV Court of Small Causes, Chennai) and allow the C.M.A.

For Appellant : Mr.C.R.Sureshkumar

For Respondent : Mr.K.Varadha Kamaraj

COMMON JUDGMENT

These two Civil Miscellaneous Appeals are filed by the claimant and the Transport Corporation challenging the award passed by the Motor Accident Claims Tribunal (IV Small Causes Judge), Chennai in M.C.O.P.No.3230 of 2013, dated 04.01.2020.

2. C.M.A.No.419 of 2023 has been filed by the claimant seeking enhancement of compensation and C.M.A.No.2754 of 2022 has been filed by the Transport Corporation questioning the quantum of compensation.

3. Since both the appeals are arising out of single award passed by the Motor Accident Claims Tribunal, both the appeals are taken up together for final disposal.



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4. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

5. According to the claimant, he suffered grievous injuries in a road accident that had occurred on 16.04.2013. According to him, he was proceeding in his motorcycle bearing Registration No.TN-02-AR-6852 from Koyambedu to Vadapalani. At that point of time, the Government Bus bearing Registration No.TN-25-N-0155 belonged to the Respondent-Transport Corporation came in a rash and negligent manner and dashed against the two wheeler of the claimant. As a result of the accident, he suffered grievous injuries. Hence, a claim petition was filed seeking compensation of Rs.6,00,000/-.

6. The Respondent-Transport Corporation filed counter and denied the manner of accident as described in the claim petition. It was the specific case of the respondent that accident had occurred only due to the negligence on the part of the claimant.



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7. Before the Tribunal, the appellant/claimant was examined as PW.1 and yet another witness-Dr.K.J.Mathialagan was examined as PW.2 and 12 documents were marked as Exs.P1 to P12 on behalf of the claimant. On behalf of the Respondent-Transport Corporation, Driver of Government Bus was examined as RW.1 and no documents were marked.

8. The Tribunal based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the respondent's bus. The compensation payable to the claimant was quantified at Rs.1,81,600/-. Not satisfied with the same, the claimant has come before this Court by filing C.M.A.No.419 of 2023 for enhancement of compensation. Challenging the quantum of compensation, the Transport Corporation has come before this Court by filing C.M.A.No.2754 of 2022.

9. It is also seen from the records that before the Tribunal a Doctor was examined by claimant and he issued a Disability Certificate, which was marked as Ex.P12, fixing the disability at 50%. The Tribunal taking into



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consideration the nature of the injury suffered by the claimant, reduced the disability to 20% and awarded compensation on percentage basis.

10. When the appeal in C.M.A.No.419 of 2023 was taken up for hearing on 11.09.2024, at the request of the either parties, the claimant was referred to Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai, again for reassessment. The report sent by the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai, dated 07.10.2024 is marked as Ex.C1 with the consent of both the learned counsel appearing for the appellant/claimant and the learned counsel appearing for the Respondent/Transport Corporation.

11. The Disability Certificate-Ex.C1 is marked before this Court as additional evidence with the consent of learned counsel appearing for the appellant and respondent.

12. The Regional Medical Board, in its Disability Certificate issued on 07.10.2024 assessed the disability suffered by the claimant at 11%. There



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is no evidence available on record to show that the disability suffered by the claimant interfered with his avocation. Therefore, this Court proceeds to grant compensation on percentage basis.

13. The accident had occurred in the year 2013. Therefore, the claimant is entitled to Rs.3,000/- per percentage of disability. Hence, the amount awarded by the Tribunal under the head disability is reduced to Rs.33,000/- (Rs.3000 x 11). The amount awarded by the Tribunal under the head medical expenses and future medical expenses are based on the documents produced by the claimant namely Exs.P6 and P7, hence, they are affirmed. The amount awarded by the Tribunal under the head transportation expenses, additional nourishment, damages to clothes and attender charges etc., appear to be reasonable and the same are affirmed.

14. It is seen from the Discharge Summery marked as Ex.P4, the claimant suffered fracture of tibia and postero lateral dislocation of right elbow and he has undergone surgery for tibia nailing. Therefore, the amount of Rs.10,000/- awarded by the Tribunal under the head loss of income is



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increased to Rs.20,000/-. Likewise, the amount awarded by the Tribunal under the head pain and suffering and loss of amenities are increased to Rs.15,000/- each.

15. 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	Remarks
1.	Disability	Rs.60,000/-	Rs.33,000/-	Reduced
2.	Medical Expenses	Rs.60,000/-	Rs.60,000/-	Confirmed
3.	Future Medical Expenses	Rs.20,000/-	Rs.20,000/-	Confirmed
4.	Loss of Income	Rs.10,000/-	Rs.20,000/-	Enhanced
5.	Pain and Suffering	Rs.10,000/-	Rs.15,000/-	Enhanced
6.	Transportation Expenses	Rs.5,000/-	Rs.5,000/-	Confirmed
7.	Additional Nourishment	Rs.5,000/-	Rs.5,000/-	Confirmed
8.	Damages to clothes	Rs.1,000/-	Rs.1,000/-	Confirmed
9.	Attender Charges	Rs.600/-	Rs.600/-	Confirmed
10.	Loss of Amenities	Rs.10,000/-	Rs.15,000/-	Enhanced
Total		Rs.1,81,600/-	Rs.1,74,600/-	Reduced by Rs.7,000/-

16. Accordingly, the award passed by the Tribunal is reduced to Rs.1,74,600/-. The Appellant/Transport Corporation in C.M.A.No.2754 of 2022 is directed to deposit the modified award amount of Rs.1,74,600/-



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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 M.C.O.P.No.3230 of 2013 on the file of the Motor Accident Claims Tribunal, (IV Small Causes Judge), Channai, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

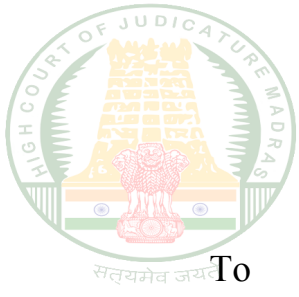
17. Accordingly, the civil miscellaneous appeal filed by the claimant in C.M.A.No.419 of 2023 is dismissed and the civil miscellaneous appeal filed by the Respondent-Transport Corporation in C.M.A.No.2754 of 2022 is partly allowed. Consequently, the connected civil miscellaneous petition is closed. No costs.

09.04.2025

Index :Yes/No
Speaking order :Yes/No
Neutral Citation :Yes/No
dm

Additional Exhibit marked on the side of the appellant:

Ex.C1 – 07.10.2024 – Disability Certificate issued by Medical Board marked in appeal with consent of both the parties.



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To

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- 1.The Motor Accident Claims Tribunal
(IV Small Causes Judge), Chennai.
- 2.The Managing Director,
The Tamil Nadu State Transport Corporation Limited,
(Villupuram) 31/137, Salamedu,
Villupuram-605 602.
- 3.The Section Officer,
VR Section, High Court,
Madras.



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S.SOUNTHAR, J.

dm

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