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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2351 of 2023

R.Ganesan

Appellant

Vs

1. Jagadeesh Subash Chandra Bose

2. Tamil Nadu State Transport

Corporation

Coimbatore Division,

Mettupalayam Road, Coimbatore.

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicles Act, 1988, praying to set aside the award of Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Coimbatore made in MCOP.No. 697 of 2013 dated 28.02.2018

For Appellant: Ms. Saleem Fathima P.T.

For Respondents: R1 - Dispense With
Mr.M.Murali Vinodh For R2



JUDGMENT

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The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.697 of 2013, dated 28.02.2018, has preferred this appeal seeking for enhancement of compensation.

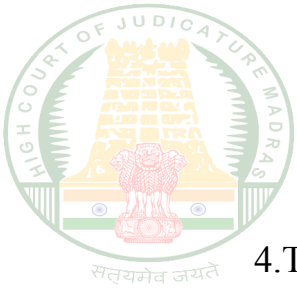
2.The case of the petitioner is that on 03.11.2007 at about 9.45 a.m. the petitioner being a conductor with the State owned Tamil Nadu State Transport Corporation and plying in the mofusil route bus between Coimbatore and Mettupalayam bearing Regn. No. TN-38 N-1168 and when he was on his duty in the said bus, the 1st respondent drove the bus in a rash and negligent manner from south to north direction without observing road rules and regulations, suddenly applied the brake, due to which the petitioner was thrown away from the bus and sustained grievous injuries including head injury and fell unconscious, 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. 20,00,000/-.



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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 rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.5,62,640/- under various heads as follows:

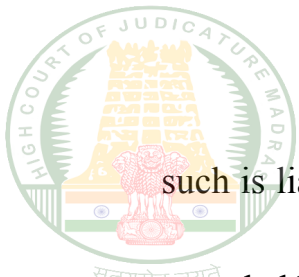
S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Towards loss of income (as claimed by the petitioner)	1,59,830
2.	Towards pain and suffering	50,000
3.	Towards extra nourishment	50,000
4.	Towards medical bills Ex.P6 series Rs.2,17,814/- Less Rs.1,00,000/- borne by TNSTC	1,17,810
5.	Towards permanent partial disability 61% @ Rs.3000/-	1,83,000
6.	Towards transport expenses as claimed by the petitioner	2,000
	Total	5,62,640



4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The claimants 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.

6. The learned counsel for appellant would submit that the appellant is the conductor of 2nd respondent Transport Corporation and during the course of his employment, since the driver of bus applied sudden brake, he was thrown away from the bus and sustained head injury and fell down. Thereafter, he was admitted in the hospital. Though he was discharged, he became mentally disabled and still he was not recovered. So, he was represented by his son. Even as per the evidence of R.W.1, he has not joined in duty due to mental illness. However, though the petitioner was suffered with 100% permanent partial disability, the medical board certified only 61% permanent partial disability and without applying multiplier as well as without considering the disability suffered by the appellant, the tribunal has erroneously fixed the compensation as



such is liable to be set aside. Therefore, he prayed to enhance the compensation awarded by the Tribunal.

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7. The learned counsel for 2nd respondent would submit that as per the certificate issued by the medical board, the tribunal has rightly fixed the compensation, which needs no interference.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused the materials available on record.

9. Admittedly, the injured viz., Ganesan was a Conductor in the bus belongs to 2nd respondent transport corporation and as per his service records, his retirement date is 31.05.2018, but he sustained injury in the accident happened on 03.11.2007 when he was employed as a Conductor in the bus and during the course of employment, he was thrown out from the bus due to the negligent act of driver of bus. As on date, he has not joined duty due to the mental disability suffered by the claimant. Therefore the disability ought to have been considered as 100% since he was not able to join duty also. Furthermore, on perusal of award passed by the Tribunal, the fact reveals that at the time of



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accident, the claimant drawn a salary of Rs.8386/-, but considering the fact that he was aged about 46 years old and he would have retired in the year 2018, the loss of income is to be enhanced from Rs.8386/- at Rs.16,000/- per month and the multiplier is to be applied as 13. Considering the fact that he has suffered with 100% permanent partial disability, the disability is to be arrived at 100% and towards pain and sufferings, a sum of Rs.50,000/- awarded by the tribunal is enhanced to Rs.1,00,000/-. Considering the fact that he was in hospital for two months, the attender charges is to be arrived, for which a sum of Rs.60,000/- is fixed and transportation charges is also to be enhanced from Rs.2000/- at Rs.10,000/- and loss of amenities is to be arrived at Rs.50,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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



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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Towards loss of income (From 03.11.2007 to 03.12.2008 – 13 months) (Rs.16000 x 13 x 13 (multiplier) x 100% disability)	27,04,000
2.	Towards pain and suffering	1,00,000
3.	Towards extra nourishment	50,000
4.	Towards medical bills Ex.P6 series Rs.2,17,814/- Less Rs.1,00,000/- borne by TNSC	1,17,810
5.	Towards attender charges	60,000
6.	Towards transport expenses	10,000
7.	Towards loss of amenities	50,000
	Total	30,91,810

11.The compensation awarded by the tribunal at Rs.5,62,640/- is enhanced to Rs.30,91,810/-. The second respondent State Transport Corporation is directed to deposit the enhanced compensation of Rs.30,91,810/-, 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 this judgment. Insofar as the enhanced compensation is



concerned, the deficit court fee, if not paid, shall be paid by the claimants. The

other directions issued by the Tribunal with regard to the mode of payment of

compensation remains unaltered.

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

10-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judicial Magistrate, Coimbatore.

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



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T.V.THAMILSELVI J.

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