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CMA No. 1566 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1566 of 2025

1. Ravi
S/o. Subbaiah, No.1209, 54th Block,
S.M. Nagar, Vyasarpadi, Chennai 39.

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
Ltd., Anna Salai, Chennai 2.

Respondent(s)

PRAYER

Civil Miscellaneous appeal filed under Section 173 of Motor Vehicle Act, 1988, prays to enhance the award dated 21.08.2024 and made in MACT OP No.4013 of 2015 on the file of the Motor Accident Claims Tribunal, Special Judge VI Court of Small Causes, Chennai and thus render justice.

For Appellant(s): Mr.G.Dinesh

For Respondent(s): Mr.Anton Dhanasekaran

JUDGEMENT

The appellant has filed this appeal, to enhance the award dated 21.08.2024 made in MACT OP No.4013 of 2015 on the file of the Motor Accident Claims Tribunal, Special Judge VI Court of Small Causes, Chennai.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.10,33,100/- as



compensation, directing the respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

3. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. The learned counsel for the appellant submits that the appellant sustained grievous injuries in a road accident that occurred in the year 2014. The appellant, aged 45 years, was employed as a coolie by profession. The Tribunal had fixed the monthly income at Rs.9,000/-, but failed to properly consider the nature of employment and cost of living at the relevant time. Hence, the appellant seeks enhancement of compensation.

5. The learned counsel for the respondent/Transport Corporation contends that the Tribunal erred in applying the multiplier method, as the injuries did not result in total functional disability, and therefore the compensation should have been restricted on a per-percentage basis. It was further argued that the award passed by the Tribunal was just and reasonable and the appeal deserves to be dismissed.



6. On consideration of the rival submissions and perusal of the evidence, it is seen that the appellant, Ravi sustained grievous injuries to his left leg, resulting in the removal of four toes. The medical evidence clearly establishes that he is unable to move his left leg properly and has suffered a permanent disability of 49%, as certified by the medical board. Though there was no documentary proof of income, the Tribunal fixed Rs.9,000/- per month, which appears to be on the lower side for a manual labourer in the year 2014.

7. The contention raised by the respondent that the multiplier method ought not to have been applied is rejected, since the evidence shows that the appellant has suffered functional disability affecting his earning capacity.

8. Considering the nature of employment, year of accident, and cost of living, this Court is inclined to fix the monthly income at Rs.15,000/-, with 25% addition towards future prospects. Applying the appropriate multiplier of 14 (for the age of 45 years), and taking into account the functional disability of 49%, the computation made by the Tribunal requires modification. Due to the said accident, and he was unable to attend to his regular work for at least six months. Therefore, a sum of Rs. 90,000/- (Rs. 15,000 x 6 months) is awarded towards loss of income. Additionally, the amount awarded by the Tribunal under the heads of pain and sufferings, Attender charges, Transportation and Extra nourishment are enhanced to Rs.50,000/-, Rs.20,000/-, Rs.10,000/- and



Rs.15,000/- respectively. In all other heads, the award passed by the Tribunal remains unchanged.

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Calculation

Notional Income = Rs.15,000/-
25% Future Prospects = 15,000 + 3,750 = 18,750/-
= Rs.18,750 x 12m x 14 x 49/100
= Rs.15,43,500/-

9. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	9,26,100	15,43,500
2.	Pain and suffering	40,000	50,000
3.	Loss of Income	27,000	90,000
4.	Medical Expenses	Nil	Nil
5.	Attender charges	10,000	20,000
6.	Transportation	5,000	10,000
7.	Loss of Amenities	15,000	15,000
8.	Extra Nourishment	10,000	15,000
	Total	10,33,100	17,43,500

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.10,33,100/- to Rs.17,43,500/-, which shall carry interest at the rate of 7.5% per annum.



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11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.10,33,100/- to Rs.17,43,500/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The respondent, the Metropolitan Transport Corporation Ltd, is directed to deposit the enhanced compensation amount, i.e., Rs.17,43,500/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.A.C.T.O.P. No. 4013 of 2015 on the file of Motor Accident Claims Tribunal, Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the respondent, the appellant/claimant is at liberty to withdraw the same, after following due process of law.



vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.The Managing Director
Metropolitan Transport Corporation
Ltd., Anna Salai, Chennai 2.

2.The Motor Accident Claims Tribunal,
Special Judge VI Court of Small
Causes, Chennai.

3.The Section Officer,
VR-Section, High Court of Madras,
Chennai.



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T.V.THAMILSELVI J.
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