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CMA No. 231 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 231 of 2025

1. M.Dharmarajan
S/o. Maruthamuthu, No. 26,
Jothiramalingam Street, Madipakkam,
Chennai 91.

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
Limited, Chennai 2.

2.The united India Insurance Co. Ltd,
Motor III Party Claims Office, Shilling
Building, 134 Greaves Road, Chennai
600 006.

Respondent(s)

CMA No. 231 of 2025

PRAYER

To set aside the Judgment and decree dated 07.01.2015 passed in MCOP No.4673 of 2013 by the II Judge, Motor Accidents Claims Tribunal, Court of



Small Causes, Chennai - 104.

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For Appellant(s): Mr.M.Pachaiyappan

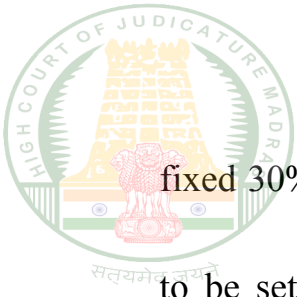
For Respondent(s): Mr. A. Vinothraj

JUDGEMENT

Challenging the Judgment and decree dated 07.01.2015 passed in MCOP No.4673 of 2013 by the II Judge, Motor Accidents Claims Tribunal, Court of Small Causes, Chennai.

2. On 01.08.2011 at about 02.15 p.m., the claimant was travelling as a passenger in the respondent's MTC Bus bearing registration No. TN 01 N 5839, while getting down from the bus, the driver moved the bus due to which he was thrown out sustained grievous injuries. 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 of Rs.6,55,900/-. Now, the claimant/appellant herein filed this appeal to enhance the quantum of compensation.

3. The contention of the learned counsel for the appellant is that the accident was happened due to the negligence of the driver but the tribunal has



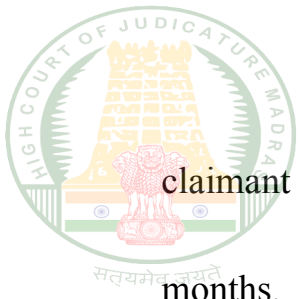
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fixed 30% negligence on the part of the claimant which is erroneous and liable to be set aside. Further, he contend that the claimant has sustained greivous injuries but the tribunal has awarded very less amount in other heads hence he prays to enhance the compensation.

4. The learned counsel for the respondent contend that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the facts of the case, the accident was happened in the year 2011 hence this Court is inclined enhance amount fixed per percentage of disability from Rs.2,000/- to fix Rs.4,000/-. Accordingly, the medical board assessed 65% disability thereby the claimant is entitled to Rs.2,60,000/- under the head of disability.

6. Further, the accident has happened while the claimant was getting down from the bus however the tribunal has fixed 30% contributory negligence on the part of the claimant as such is very high. Hence, this Court is inclined to fix 10% contributory negligence upon the claimant. Further, this Court is inclined to fix Rs.8,000/- as notional income of the claimant. Accordingly, the



claimant is entitled to Rs.48,000/- under the head of loss of income for six months. 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:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.40,000/-	Rs.40,000/-
2.	Loss of Income	Rs.36,000/-	Rs.48,000/-
3.	Medical Expenses	Rs.6,40,000/-	Rs.6,40,000/-
4.	Transportation expenses	Rs.15,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.15,000/-	Rs.15,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.20,000/-	Rs.20,000/-
9.	For disability	Rs.1,30,000/-	Rs.2,60,000/-
10	Total	Rs.9,37,000/-	Rs.10,49,000/-

After deducting 10% for contributory negligence, the claimant is entitled to Rs.9,44,100/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.9,44,100/-**. The 1st respondent is directed to deposit the said amount 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 MCOP

No.4673 of 2013 on the file of the II Judge, Motor Accidents Claims Tribunal,

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Court of Small Causes, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Limited, Chennai 2.
2. The united India Insurance Co. Ltd,
Motor III Party Claims Office, Shilling
Building, 134 Greams Road, Chennai
600 006.
3. The II Judge, Motor Accidents
Claims Tribunal, Court of Small
Causes, Chennai.
4. The Section officer, V.R Section,
High Court, Madras.



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T.V.THAMILSELVI J.
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