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CMA No. 1328 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1328 of 2025

K.Murugan
S/o. Kuthalingam

Appellant

Vs

The Managing Director
Metropolitan Transport Corporation
Limited, Pallavan Salai, Chennai-600
002

Respondent

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow the present appeal award enhance compensation in order dated 10-12-2024 in MCOP.No.2576/2021 on the file of the Motor Accidents Claims Tribunal(Small Causes Court/Special Sub Judge No.1, to deal with MCOP Cases) Chennai as prayed for in this CMA

For Appellant: Mr.R.Nalliyappan

For Respondent: Mr.M.Murali Vinodh



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JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.2576 of 2021, dated 10.12.2024 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 23.04.2021 at about 13.20 hours, when the petitioner riding his two wheeler bearing Regn. No. TN-07 CA-3372 along the R.K.Mutt Road near Narayanasam Thottam Kozhipanni Play ground, at that time, a bus bearing Regn. No. TN-01-AN-2759 driven by its driver in a rash and negligent manner, dashed on the petitioner's two wheeler and caused an accident. Due to which, the petitioner sustained grievous injuries, 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.31,00,000/-.

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 respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,67,500/-

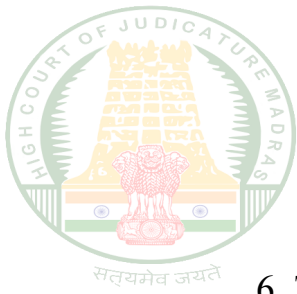
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under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,61,000
2.	Pain and sufferings	35,000
3.	Transportation	4,000
4.	Medical expenses	1,18,511
5.	Extra nourishment	10,000
6.	Attender charges	3,900
7.	Loss of earnings	25,000
8.	Loss of amenities	10,000
	Total	3,67,411
	Rounded off to	3,67,500

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

5.The petitioner 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.



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6. The learned counsel for appellant would submit that the petitioner was a car driver and the accident was happened in the year 2021. But, the tribunal has fixed only a sum of Rs.12,500/- as notional monthly income and the same is to be enhanced. Furthermore, the tribunal had fixed the disability at 23% and had fixed only sum of Rs.7000/- per percentage of disability. Hence, he prayed to enhance the compensation.

7. The learned counsel for respondent transport corporation would submit that at the time of accident, he was a car driver, but he has not filed any documentary evidence to prove his income. Hence, the tribunal has rightly fixed the income of the petitioner as well as percentage for the disability, which needs no interference of this court.

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

9. Considering both side submissions, the fact reveals that admittedly, he was a car driver at the time of accident, which was happened in the year 2021.



The tribunal had fixed only a sum of Rs.12,500/- towards notional income.

Therefore, on considering the cost of living, this Court is inclined to enhance the notional income from Rs.12,500/- per month to Rs.16,000/- per month. On considering the injuries as well as treatment period, the learned Tribunal fixed two months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly about six months, he was not able to drive the car. Hence, six months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for respondent would submit that only 13 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to modify the treatment period from two months to four months. Furthermore, the tribunal had fixed a sum of Rs.7000/- per percentage of disability. But, on considering the grievous injury suffered by the petitioner, this Court is inclined to increase the amount awarded towards percentage of disability from Rs.7000/- to Rs.9000/- per percentage of disability. On seeing the facts, he has undergone surgeries during the treatment period and also took treatment as outpatient for some days in various hospitals. Considering that, the sum awarded for transportation is to be increased from



Rs.4,000/- to Rs.10,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Disability (23% x Rs.9000)	1,61,000	2,07,000	enhanced
2.	Pain and sufferings	35,000	35,000	confirmed
3.	Transportation	4,000	10,000	enhanced
4.	Medical expenses	1,18,511	1,18,511	confirmed
5.	Extra nourishment	10,000	10,000	confirmed
6.	Attender charges	3,900	3,900	confirmed
7.	Loss of earning during the treatment period Rs.16,000/- x 4 = Rs.64,000/-	25,000	64,000	enhanced
8.	Loss of amenities	10,000	10,000	confirmed
	Compensated awarded rounded off to	3,67,411 3,67,500	4,58,411 4,58,420	

11. The compensation awarded by the tribunal at Rs.3,67,500/- is enhanced to Rs.4,58,420/-. The respondent transport corporation is directed to deposit the enhanced compensation, 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 copy of this judgment.

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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.

03-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Special Sub-Court-I, Small Causes Court, Motor Accident Claims Tribunal, Chennai.

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



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T.V.THAMILSELVI J.

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