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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1713 of 2025

K. Vasantha

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai – 600 002

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award from Rs.2,12,000/- to Rs.10,97,000/- along with interest at 7.5 % interest from the date of petition in MCOP No.2391 of 2019 on the file of Motor Accident Claims Tribunal, Iv Judge, Small Causes Court, Chennai and pass orders

For Appellant : Mrs.P.T. Saleem Fathima
For Respondent-1 : Mr.M. Murali Vinodh



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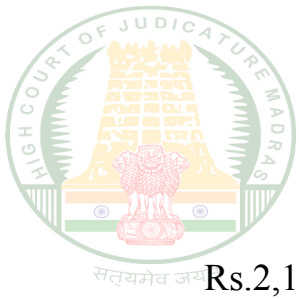
JUDGMENT

The appellants have filed this appeal to enhance the award from Rs.2,12,000/- to Rs.10,97,000/- along with interest at 7.5 % interest from the date of petition in MCOP No.2391 of 2019 on the file of Motor Accident Claims Tribunal, Iv Judge, Small Causes Court, Chennai and pass orders

2. The brief facts of the case of the appellant/claimant is as follows:

On 25.02.2019 at about 6.30 hours when the appellant was travelling as a passenger in a MTC bus bearing Registration No.TN-01-N-7716 at Beasant Nagar Road, Ice House bus stop, Chennai, the bus driver suddenly moved the bus in a rash and negligent manner. As a result of which the appellant sustained injuries on her left hip fracture and all over the body. Hence, the appellant filed a claim petition before the Tribunal seeking compensation for a sum of Rs.10,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



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Rs.2,12,000/- as compensation, directed 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 realisation.

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

5. The learned counsel for the appellant submitted that the Tribunal erred in taking the disability percentage as 10% whereas the Doctor has assess disability at 40%. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard both sides and perused the materials available on record.

8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.5,000/- per percentage for disability and for 10% of disability quantified Rs.50,000/-(Rs.5,000 x 10%); Rs.93,000/- towards Medical Expenses; Rs.11,000/- towards Loss of Income; Rs.25,000/- towards Pain and sufferings; Rs.5,000/- each towards Transportation expenses and Nutrition expenses; Rs.1,000/- towards Damages to clothes; Rs.2,000/- towards Attender charges and Rs.20,000/- towards Loss of Amenities.

9. The accident has occurred on 25.02.2019 . On perusal of records with regard to disability, it would be proper to award Rs.8,000/- per percentage for disability and considering the records, disability 25% is taken as disability, hence Rs. 2,00,000/-(Rs.8,000/- x 25%) is quantified towards the head disability. Considering the avocation of the injured, cost of the living during that period, he would be earning Rs.12,000/- per month and considering the injuries sustained by the appellant he would have not gone for job atleast for a period of 3 months. Hence Rs.12,000/-



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is taken as monthly income and Rs.36,000/- (Rs.12,000 x 3) is awarded under the head loss of income and Rs.30,000/- is awarded under the head pain and suffering. The amount awarded under the head Transportation and Nutritional expenses is enhanced to Rs.10,000/- each. With regard to Damages to clothes and attender charges, the same is enhanced to Rs.5,000/- each. The amount awarded under the head Medical expenses and loss of amenities remains the same.

10. 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	50,000/-	2,00,000/-
2.	Medical Expenses	93,000/-	93,000/-
3.	Loss of income	11,000/-	36,000/-
4.	Pain and sufferings	25,000/-	30,000/-
5	Transportation expenses	5,000/-	10,000/-
6.	Nutrition Expenses	5,000/-	10,000/-
7.	Damages to clothes	1,000/-	5,000/-
8.	Attender Charges	2,000/-	5,000/-
9	Loss of Amenities	20,000/-	20,000/-
	Total	2,12,000/-	4,09,000/-



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Thus, the compensation awarded by the Tribunal is enhanced from **Rs.2,12,000/- to Rs. 4,09,000/-**, which shall carry interest at the rate of 7.5% per annum.

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.2,12,000/- to Rs. 4,09,000/-**

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/Metropolitan Transport Corporation Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs. 4,09,000/-**, (after deducting the amount already deposited), together with



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interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of MCOP No.2391 of 2019 on the file of Motor Accident Claims Tribunal, IV Judge, Small Causes Court, 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, 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.

07.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal, IV Judge, Small Causes Court, Chennai

2. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai – 600 002

3. The Section Officer, V.R. Section, High Court of Madras.

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T.V.THAMILSELVI, J.

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