



CMA No.1612 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.1612 of 2025

D.Shreya Jain
D/o.Deepak Jain

... Appellant

Vs.

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

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award from Rs.1,66,000/- to Rs.3,66,000/- along with interest at 7.5% interest from the date of petition in MCOP.No.475 of 2020, on the file of Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai.

For Appellant : M/s.P.T.Saleem Fathima

For Respondent : Mr.Murali Vinodh

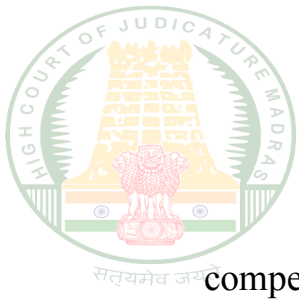


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JUDGMENT

WEB COPY The appellant has filed this appeal to enhance the compensation awarded in M.C.O.P. No. 475 of 2020, on the file of the Motor Accident Claims Tribunal, Chennai, (IV Judge, Small Causes Court, Chennai), dated 01.03.2024.

2. The brief facts of the case of the appellant/claimant are as follows: On 27.12.2019, at about 9.30 hours, the appellant was riding the motorcycle bearing Registration No. TN-12-A-9381, proceeding from South to North Entrance Down, Royaper High Road, Chennai. At that moment, an MTC bus bearing Registration No.TN-01-AN-1177, proceeding in the same direction and driven in a rash and negligent manner, hit the appellant's motorcycle from behind. Due to the impact, the appellant was thrown onto the road and sustained a fracture to the right leg along with multiple grievous injuries. The appellant was immediately taken to CSI Kalyani Hospital, Dr.Radhakrishnan Salai, Chennai, and is also undergoing treatment at other private hospitals in Chennai. The driver of the MTC bus is solely responsible for the said accident. As the owner of the bus, the respondent is vicariously and statutorily liable to



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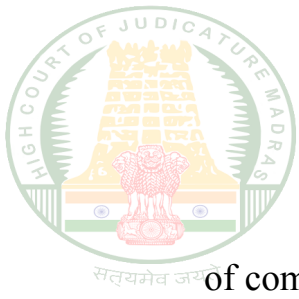
compensate the appellant / petitioner.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,66,000/- 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 realisation.

4. 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.

5. Heard M/s.P.T.Saleem Fathima, learned counsel appearing for the appellant, and Mr.Murali Vinodh, learned counsel appearing for the respondent.

6. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement



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of compensation.
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7. 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.

8. A perusal of the discharge summary, Ex.P3 shows that the claimant sustained the following injuries: Diagnosed with fracture both bone on right leg.

9. The Medical Board assessed his partial permanent disability at 20%, which was marked as Ex.C1. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (22 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.8,000/- per percentage. Accordingly, a sum of Rs.1,60,000/- (Rs.8,000 x 20%) is awarded towards partial permanent disability.



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10. The appellant was working as a Chartered Accountant in a private Company and was earning Rs.20,000/- per month. However, the appellant has not produced any document to prove her income. Therefore, the Tribunal did not consider the claimed income of the appellant. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs. 16,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least five months. Therefore, a sum of Rs.80,000/- (Rs.16,000 x 5 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Pain and Sufferings, Attender Charges and Loss of Amenities are enhanced to Rs.50,000/-, Rs.10,000/- and Rs.40,000/- respectively.

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



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	1,00,000	1,60,000
2.	Medical bills	8,000	8,000
3.	Loss of income during treatment period	Nil	80,000
4.	Pain and suffering	20,000	50,000
5.	Transportation expenses	5,000	5,000
6.	Nutrition expenses	5,000	5,000
7.	Damages to clothes	1,000	1,000
8.	Attender Charges	2,000	10,000
9.	Loss of Amenities	25,000	40,000
	Total	Rs.1,66,000/-	Rs.3,59,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,66,000/- to Rs.3,59,000/-, which shall carry interest at the rate of 7.5% per annum.

12. In the result:

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



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ii. The compensation awarded by the Tribunal is enhanced from Rs.1,66,000/- to Rs.3,59,000/-.

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., Chennai - 600 002, is directed to deposit the enhanced compensation amount, i.e., Rs.3,59,000/- (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 deposit, to the credit of M.C.O.P. No.475 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai (IV Judge, Small Causes Court, Chennai), within a period of four 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.



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

26.06.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal,
Chennai, (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.

T.V.THAMILSELVI, J.



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