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C.M.A.No.1678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

C.M.A.No.1678 of 2023

V.Jeeva

...Appellant

Versus

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

...Respondent

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 praying to enhance the award and decree dated 25.02.2021 made in M.C.O.P.No.259 of 2015 on the file of the Motor Accident Claims Tribunal (Principal Special Judge, Special Court, E.C & NDPS Act, Chennai – 600 104).

For Appellant : Mr.S.Suriya Prakash

For Respondent : Mr.Anton Dhansekaran



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JUDGMENT

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2. The brief facts of the case are as follows:

On 30.09.2014, at around 10.45 p.m., while the appellant/claimant was riding his Motor Cycle bearing Registration No.TN-05-AW 3002 at CTH Road, Thirumullaivoyal opposite to Indian Bank from West to East, the respondent Transport Corporation Bus bearing Registration No.TN-01-N-9694 which was driven by its driver in a rash and negligent manner came in the very same direction hit the Motor Cycle of appellant/claimant from behind. In the said accident, appellant/claimant sustained multiple grievous injuries all over his body. He took treatment in three various hospitals and he incurred medical expenses to the tune of Rs.2,00,000/-. Hence, the appellant/claimant had filed a Claim Petition in M.C.O.P.No.259 of 2015



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against the respondent Transport Corporation, claiming a sum of Rs.30,00,000/- as compensation for the injuries sustained to him.

3. The respondent Transport Corporation had filed its counter statement denying all the averments made by the appellant/claimant in the Claim Petition.

4. Before the Tribunal, on the side of appellant/claimant, appellant/claimant examined himself as P.W.1 and one Dr.Mathiyalagan was examined as P.W.2 and 15 documents were marked as Exs.P1 to P15. On the side of respondent Transport Corporation, one Mr.Suresh was examined as R.W.1, but, no exhibits were marked.

5. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident occurred due to the negligent driving of the driver who had driven the respondent Transport Corporation Bus.



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6. The Tribunal awarded a sum of Rs.10,90,500/- as compensation to the appellant/claimant. The break-up details of the compensation awarded by the Tribunal are as follows:

S.No.	Heads	Amount awarded under various Heads
1	Loss of Earning Capacity	Rs.8,16,000/-
2	Loss of Amenities	Rs.1,00,000/-
3	Medical Bills	Rs. 38,331/-
4	Transport to Hospital	Rs. 5,000/-
5	Nutritious Food	Rs. 74,000/-
6	Attender Charges	Rs. 37,000/-
7	Pain and Suffering	Rs. 20,000/-
Total		Rs.10,90,331/-

The Tribunal had rounded off the total compensation of Rs.10,90,331/- to Rs.10,90,500/-.

7. The Tribunal partly allowed M.C.O.P.No.259 of 2015 and directed the respondent Transport Corporation to pay the compensation of Rs.10,90,500/- (Rupees Ten Lakhs Ninety Thousand and Five Hundred Only) to the appellant/claimant with proportionate cost and interest at 7.5%



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per annum from the date of numbering of claim petition till the date of realization.

8. Now, the appellant/claimant has preferred this Civil Miscellaneous Appeal before this Court, seeking to enhance the quantum of compensation awarded by the Tribunal.

9. The learned counsel for appellant/claimant submitted that though the appellant/claimant had claimed Rs.30,00,000/- as compensation for the grievous injuries sustained to him in the accident, the Tribunal has awarded him only a sum of Rs.10,90,500/- as compensation.

9.1. It is submitted by the learned counsel for appellant/claimant that at the time of accident, appellant/claimant was 26 years and he was working as a JCB driver in a private company and was earning Rs.16,000/- per month. However, without considering the same, the Tribunal has erroneously fixed Rs.10,000/- as monthly income of appellant/claimant. The amount which was fixed as monthly income of appellant/claimant by



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the Tribunal is on the lower side. Therefore, the learned counsel prayed that the monthly income of appellant/claimant may be fixed as Rs.16,000/-.

9.2. Further, the learned counsel for appellant/claimant submitted that the amount awarded by the Tribunal under the heads, “Medical Bills” and “Transport to Hospital” are on the lower side. After the accident, appellant/claimant was admitted 8 times in the Hospital for taking treatment as in-patient and even today, appellant/claimant is spending more money for his medical treatment. Therefore, the learned counsel prayed that the amount awarded by the Tribunal under the heads, “Medical Bills” and “Transport to Hospital” may be enhanced.

9.3. It is also submitted by the learned counsel for appellant/claimant that after the accident, appellant/claimant took treatment as in-patient for more than 100 days and he undergone 7 surgeries in Rajiv Gandhi General Hospital, Chennai. In order to prove the same, appellant/claimant had produced his medical records before the Tribunal which were marked as Exs.P3 to P6. Despite the same, the Tribunal has awarded a very meagre



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amount of Rs.20,000/- towards “Pain and Suffering”. Therefore, the learned counsel prayed that the amount awarded by the Tribunal under the head, “Pain and Suffering” may be enhanced.

10. On the other hand, the learned counsel appearing for respondent Transport Corporation submitted that appellant/claimant has not produced any income proof before the Tribunal to establish that he was earning Rs.16,000/- per month. Therefore, in the absence of any income proof, the Tribunal has rightly fixed Rs.10,000/- as monthly income of the appellant/claimant. He also submitted that the amount awarded by the Tribunal under the heads, “Medical Bills”, “Transport to Hospital” and “Pain and Suffering” are just and reasonable and hence, the same may not be enhanced.

11. Heard the learned counsel for appellant/claimant as well as the learned counsel appearing for respondent Transport Corporation and perused the materials available on record.



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12. As far as this case is concerned, appellant/claimant sustained multiple grievous injuries in the accident which occurred in the year 2014. On the date of accident, the age of appellant/claimant was 26 years. The appellant/claimant was working as a JCB driver and he was earning Rs.16,000/- per month. Due to the accident, appellant/claimant had lost his earning capacity. The Doctor who was examined as P.W.2 had assessed the disability of appellant/claimant as 65%.

13. The main contention of the learned counsel for appellant/claimant is that appellant/claimant was earning Rs.16,000/- per month. However, without considering the same, the Tribunal has fixed Rs.10,000/- as monthly income of the appellant/claimant. Further, the learned counsel submitted that the amount awarded by the Tribunal under the heads, “Medical Bills”, “Transport to Hospital” and “Pain and Suffering” are on the lower side and therefore, he prayed this Court to enhance the amount awarded by the Tribunal under the said heads.



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14. From a perusal of the records, it is evident that at the time of accident, appellant/claimant was 26 years and he was working as a JCB driver in a private company. Hence, considering the economic conditions prevailing in the year 2014 in which the accident took place, the Tribunal has fixed the monthly income of appellant/claimant as Rs.10,000/- and applied the multiplier, '17'. However, considering the year of accident, age and job of the appellant/claimant at the time of accident, this Court is of the opinion that it would be just and reasonable to fix Rs.14,000/- as notional monthly income of appellant/claimant and apply the multiplier '18' as held by the Hon'ble Supreme Court in the case of *Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.* reported in *2009 (6) SCC 121*. Therefore, the compensation under the head, 'Loss of Earning Capacity' is enhanced as follows:

$$\text{Rs.14,000/-} \times 40/100 \times 12 \times 18 = \text{Rs.12,09,600/-}$$



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15. It is to be noted that in the present case, after the accident, appellant/claimant was admitted 8 times in the Hospital and he took treatment as in-patient in the Hospital for more than 100 days. That apart, appellant/claimant undergone 7 surgeries in the Rajiv Gandhi General Hospital, Chennai. Before the Tribunal, appellant/claimant had also marked his medical records as Exs.P3 to P6. Though the Tribunal had awarded a just and reasonable amount under the head, “Medical Bills”, it had awarded a very meagre amount under the heads, “Transport to Hospital” and “Pain and Suffering”. Therefore, this Court is inclined to enhance the amount awarded under the heads, “Transport to Hospital” and “Pain and Suffering”. Accordingly, the amount awarded under the head, “Transport to Hospital” is enhanced as Rs.15,000/- and the amount awarded under the head, “Pain and Suffering” is enhanced as Rs.50,000/-.

16. The compensation awarded by the Tribunal under all other heads are just and reasonable and hence, the same are confirmed.



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17. The break-up details of the enhanced compensation are as follows:

Sl.No.	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award Confirmed or Enhanced or Granted or Reduced
1	Loss of Earning Capacity	Rs.8,16,000/-	Rs.12,09,600/-	Enhanced
2	Loss of Amenities	Rs.1,00,000/-	Rs. 1,00,000/-	Confirmed
3	Medical Bills	Rs. 38,331/-	Rs. 38,331/-	Confirmed
4	Transport to Hospital	Rs. 5,000/-	Rs. 15,000/-	Enhanced
5	Nutritious Food	Rs. 74,000/-	Rs. 74,000/-	Confirmed
6	Attender Charges	Rs. 37,000/-	Rs. 37,000/-	Confirmed
7	Pain and Suffering	Rs. 20,000/-	Rs. 50,000/-	Enhanced
Total		Rs.10,90,331/-	Rs.15,23,931/-	----
Rounded Off		Rs.10,90,500/-	Rs.15,24,000/-	Enhanced by Rs.4,33,500/-

18. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.10,90,500/- awarded by the Tribunal is enhanced to Rs.15,24,000/- (Rupees Fifteen Lakhs and Twenty Four Thousand only) together with interest at 7.5% per annum from the date of petition till the date of deposit. The respondent Transport Corporation is directed to deposit the enhanced award amount of Rs.15,24,000/-, after

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deducting the amount(s), if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit (excluding the default period, if any), to the credit of M.C.O.P.No.259 of 2015, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/claimant is permitted to withdraw the award amount along with proportionate interest and cost. The appellant/claimant is directed to pay the necessary Court fee, if any, on the enhanced award amount, before receiving the copy of this judgment. No costs.

24.06.2025

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Principal Special Judge,
Special Court under E.C. & NDPS Act,
Chennai.

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

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3.The Section Officer,
Vernacular Records Section,
High Court, Madras.

T.V.THAMILSELVI, J.

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