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CMA No. 1460 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1460 of 2025**

1. J.Muthukumar  
S/o. Jaganathan F1, Sathyam Homes,  
No.11/3, Thiruporur Road,  
Hasthinapuram, Chennai 064

Appellant(s)

Vs

1. The Managing Director  
Tamil Nadu State Transport  
Corporation (VPM) Limited,  
Villupuram

2.The Branch Manager  
Tamil Nadu State Transport  
Corporation (VPM) Limited,  
Koyambedu Bus Terminus, Chennai  
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3.The Superintendent of Police  
Special Task Force, Erode.

Respondent(s)



**CMA No. 1460 of 2025**

**PRAYER**

To enhancing the compensation awarded in the Judgment and Decree dated 04.01.2025 passed in M.C.O.P. No. 4707 of 2019, on the file of the Motor Accident Claims Tribunal (In the IV Court of Small Causes, Chennai)

**CMA No. 1460 of 2025**

For Appellant(s): Mr.K.Balaji

For Respondent(s): Mr.S.Santhosh Kumar For R1  
And R2 Mr.C.Sathish  
Govt.Advocate For R3

**JUDGEMENT**

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Judgment and Decree dated 04.01.2025 passed in M.C.O.P. No. 4707 of 2019, on the file of the Motor Accident Claims Tribunal (In the IV Court of Small Causes, Chennai)(in short "tribunal).

2. On 22.05.2019 at about 18.30 hours, when the claimant riding the motorcycle bearing registration No. TN 01 A H 9730, at that time TNSTC bus bearing registration No. TN 32 N 3992 driven by its driver in a very rash and negligent manner and hit the two wheeler, due to which, the claimant fell down and at that time driver of the Van bearing registration No. TN 33 G 0772 came behind and ran over the claimant's right leg due to which the claimant sustained



previous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The respondents contested the case by filing Counter.

After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that as per the medical board the claimant sustained 19% permanent disability to that effect disability certificate was marked as Ex.C1 but without considering the disability certificate tribunal has fixed Rs.7,000/- per percentage of disability in stead of adopting multiplier method. Further, the tribunal has awarded very less amount for other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that as per discharge summary the claimant has completely recovered from the injury and also the claimant has not produced any document to prove his income. Therefore, the tribunal rightly passed the award which needs no interference.

5. A perusal of the records, it reveal that the claimant has sustained only fracture and the medical board has assessed 19% disability and also considering



the cost of living at the time of the accident this Court is inclined to fix

Rs.9,000/- per percentage of disability. Accordingly, the claimant is entitled to

Rs.1,71,000/- under the head of disability. However, the claimant has taken in-

patient treatment for nearly 90 days hence this Court is inclined to fix

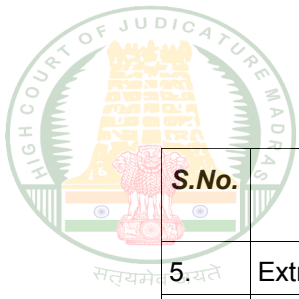
Rs.18,000/- per month for a period of 6 months. Accordingly, the claimant is

entitled to Rs.1,08,000/- under the head of loss of income.

6. Further, the claimant has taken treatment for nearly 90 days hence this Court is inclined to fix Rs.10,000/- for transportation and Rs.25,000/- for extra nourishment and Rs.15,000/- for loss of amenities. 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:-

| <b>S.No.</b> | <b>Head</b>             | <b>Compensation awarded by the Tribunal</b> | <b>Compensation awarded by this Court</b> |
|--------------|-------------------------|---------------------------------------------|-------------------------------------------|
| 1.           | Pain and sufferings     | Rs.75,000/-                                 | Rs.75,000/-                               |
| 2.           | Loss of Income          | Rs.34,500/-                                 | Rs.1,08,000/-                             |
| 3.           | Medical Expenses        | Rs.11,104/-                                 | Rs.11,104/-                               |
| 4.           | Transportation expenses | Rs.5,000/-                                  | Rs.10,000/-                               |



| S.No. | Head                          | Compensation awarded by the Tribunal | Compensation awarded by this Court |
|-------|-------------------------------|--------------------------------------|------------------------------------|
| 5.    | Extra Nourishment             | Rs.5,000/-                           | Rs.10,000/-                        |
| 6.    | Attender charges              | Rs.10,000/-                          | Rs.15,000/-                        |
| 7.    | Damages to cloths and article | Rs.2,000/-                           | Rs.2,000/-                         |
| 8.    | Lost of amenities             | Rs.40,000/-                          | Rs.40,000/-                        |
| 9.    | For permanent disability      | Rs.1,33,000/-                        | Rs.1,71,000/-                      |
| 10    | Total                         | Rs.3,20,604/-                        | Rs.4,42,104/-                      |

Rounded off to Rs.4,42,100/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.4,42,100/-**. 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 M.C.O.P. No. 4707 of 2019, on the file of the Motor Accident Claims Tribunal (In the IV 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.



7. With the above direction, the Civil Miscellaneous Appeal is partly

allowed. No costs.

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**24-07-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

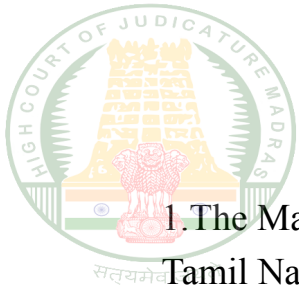


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3. The Superintendent of Police

Special Task Force, Erode.

4. The Section Officer, V.R Section,

High Court, Madras.

5. The Motor Accident Claims Tribunal

(In the IV Court of Small Causes,

Chennai)



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**T.V.THAMILSELVI J.**  
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