



CMA No.1476 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1476 of 2025

T.Marimuthu
S/o. Thangavel

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Chennai-600 002.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation awarded in the judgement and decree dated 29.08.2024 passed in M.C.O.P.5095 of 2018, on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai).

For Appellant : Mr.K.Balaji
For Respondent : Mr.M.Murali vinodh

JUDGMENT

The appellant has filed this appeal to enhance the compensation awarded in M.C.O.P. No. 5095 of 2018 on the file of the Motor Accident Claims Tribunal, Chennai, (II Special Court, Small Causes Court, Chennai), dated 29.08.2024.



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

On 22.03.2018 at about 13.20 hrs, while the appellant was boarding the bus bearing Reg.No.TN-01-N-5067 at Velachery Main Road, near Santhoshpuram Check post Bus stop, Selaiyur, Chennai, the driver of the said bus suddenly started the vehicle and closed the door without ensuring that all passengers had safely boarded. As a result, the bus door struck the appellant, causing him to fall on to the road. Due to the accident, the appellant / claimant sustained grievous injuries. The accident occurred solely due to the rash and negligent manner of driving by the driver of the said bus. As the respondent is the owner of vehicle, he is vicariously and statutorily liable to pay compensation to the claimant, along with costs and interest as per provisions of the Motor Vehicle Act.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,19,000/- 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.



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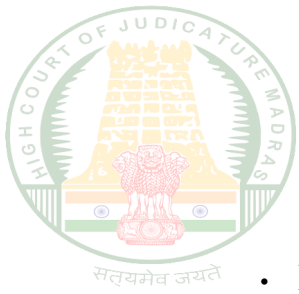
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr. K.Balaji, learned counsel appearing for the appellant, and Mr. M.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 of compensation.

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 shows that the claimant sustained the following injuries:



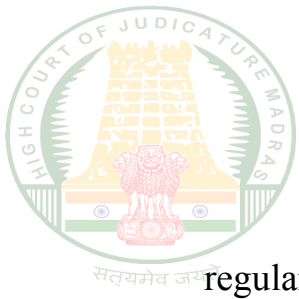
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- Fracture of right proximal tibia medial Condyle,
- Internal fixation done
- Severe head injury and multiple injuries all over the body.

9. The appellant / claimant was admitted as an in-patient, and the Medical Board attached to the Government Medical College & Hospital, Krishnagiri, assessed his partial permanent disability at 11%. 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 (35 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.7,000/- per percentage. Accordingly, a sum of Rs.77,000/- (Rs.7,000 x 11%) is awarded towards partial permanent disability.

10. The appellant was working as a mason, and the Tribunal had fixed his monthly income at Rs.11,000/-. However, considering the cost of living in the year 2018, this Court fixes monthly income at Rs.15,000/-. Due to the accident, the appellant would have been unable to attend to his



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regular work for at least five months. Therefore, a sum of Rs.75,000/- (Rs.15,000 x 5 months) is awarded towards loss of income during the period of treatment and recovery.

11. 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	55,000	77,000
2.	Loss of income	33,000	75,000
3.	Pain and suffering	15,000	30,000
4.	Medical bills	90,803	90,803
5.	Extra nourishment	7,000	7,000
6.	Transportation expenses	8,000	8,000
7.	Attender charges	10,000	20,000
8.	Loss of Amenities		50,000
	Total	Rs.2,18,803/-	Rs.3,57,803/-
		Rounded off Rs.2,19,000/-	Rounded off Rs.3,58,000/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,19,000/- to Rs.3,58,000/-, which shall carry interest at the rate of 7.5% per annum.

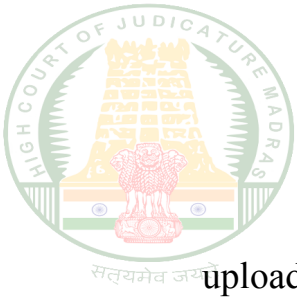


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12. In the result:

- 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.2,19,000/- to Rs.3,58,000 /-.
- 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, The Managing Director, Metropolitan Transport Corporation Ltd., Chennai-600 002, is directed to deposit the enhanced compensation amount, i.e., Rs.3,58,000 /- (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. 5095 of 2018 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai), within a period of four weeks from the date of receipt or



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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.

12.06.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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- To
1. The Motor Accident Claims Tribunal,
Chennai, (II Special Court, Small Causes Court, Chennai).
 2. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Chennai-600 002.
 3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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