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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2653 of 2024

K.Saiyath Batcha

Appellant

Vs

1. P .Poopandi

2.The Managing Director
Tamil Nadu Sstate Transport
Corporation, No.37, Mettupalayam
Road, Coimbatore-43

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation awarded in the Fair and Decretal order dated 07.02.2023 passed in MCOP No.123 of 2022 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge Court, at Erode).



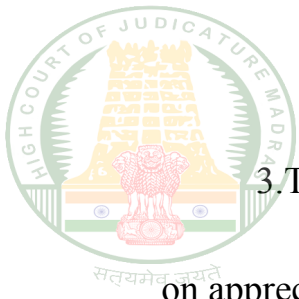
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For Appellant: Mr.M. Mohamed Riyaz

For Respondents: Mr.M.Murali Vinodh For R2
R1 - Unclaimed**JUDGMENT**

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.123 of 2022, dated 07.02.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 17.12.2021 at about 04.00 hours, when the petitioner stopped his ambulance bearing Regn. No. TN-59 Q-3758 on the Erode EVN Road near Poorna Mess at the extreme left side, waiting for patient shifting from Government Hospital, Erode to Coimbatore, at that time, a bus bearing Regn. No. TN-39-N-0420 driven by its driver from south to north direction in a rash and negligent manner, dashed from behind the stationery ambulance. Due to which, the petitioner sustained multiple bone fractures and grievous injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.1,00,00,000/-.



3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.34,55,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of earning	nil
2.	Transport to hospital	50,000
3.	Extra nourishment	70,000
4.	Attender charges	90,000
5.	Future medical expenses	1,00,000
6.	Damages for clots and articles	13,000
7.	Medical expenses	5,56,000
8.	Pain and sufferings	2,00,000
9.	Permanent disability and loss of earning power	23,76,000
	Total	34,55,000

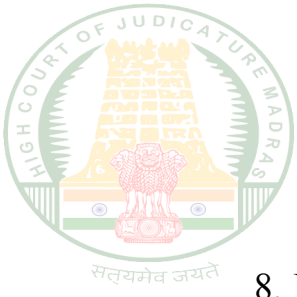
4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.



5. The appellant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that the appellant preferred this appeal in respect of fixation of notional income of injured/appellant only stating that at the time of accident, he was a driver of Ambulance and he sustained spinal cord injury. Therefore, considering the disability, the tribunal had applied the multiplier, but while fixing the notional income, the tribunal fixed only a sum of Rs.15,000/- without taking into consideration of the fact that the accident was happened in the year 2021. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that at the time of accident, he was only a driver of Sun Ambulance, but he has not produced any documentary evidence for the income derived by him at Rs.25,000/-. Hence, the tribunal has rightly fixed the monthly income of the petitioner, which needs no interference of this court.



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8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, he is a driver of Sun Ambulance and the accident was happened in the year 2021 and he was aged about 52 years at the time of accident. Therefore, considering his age as well as considering the cost of living at that time, this Court is inclined to enhance the notional monthly income from Rs.15,000/- per month to Rs.20,000/- per month. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

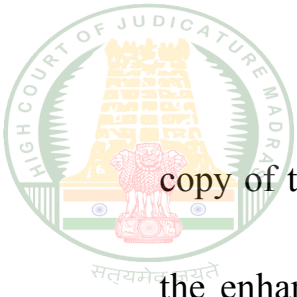
10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent Disability/loss of earning power Rs.20,000/- (add 20% future prospects) =20000 + 4000 = 24000 24000 x 12 x 11 (multiplier) x 100% = Rs.31,68,000/-	23,76,000	31,68,000	enhanced
2.	Transport to hospital	50,000	50,000	confirmed
3.	Extra nourishment	70,000	70,000	confirmed
4.	Attender charges	90,000	90,000	confirmed
5.	Future medical expenses	1,00,000	1,00,000	confirmed
6.	Damages for cloths and articles	13,000	13,000	confirmed
7.	Medical expenses	5,56,000	5,56,000	confirmed
8.	Pain and sufferings	2,00,000	2,00,000	confirmed
9.	Loss of earnings	nil	nil	
	Total	34,55,000	42,47,000	

11.The compensation awarded by the tribunal at Rs.34,55,000/- is enhanced to Rs.42,47,000/-. The second respondent transport corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of



copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the petitioner. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

15-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Subordinate Judge Court, Erode.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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