



CMA No. 1538 / 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.04.2025

CORAM :

**THE HONOURABLE MR. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

Civil Miscellaneous Appeal No. 1538 of 2023

Srinivasan

... Appellant

Versus

The Managing Director,
Metropolitan Transport Corporation Limited,
Pallavan House, Pallavan Salai,
Chennai-600002.

... Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the awarded dated 21.03.2023 in MCOP.No.863/2019 on the file of the Motor Accident Claims Tribunal, In the IV Court of Small Causes, Chennai.

For Appellant : Mr. K. Ayyadurai.

For Respondent : Mr. M. Murali Vinodh.



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J U D G M E N T
(Delivered by Dr. A.D. Maria Clete, J)

This Civil Miscellaneous Appeal has been preferred by the claimant seeking enhancement of the compensation awarded in M.C.O.P. No. 863 of 2019 by the Motor Accident Claims Tribunal (IV Court of Small Causes, Chennai) vide order dated 21.03.2023.

2.The appellant, a qualified Civil Engineer, aged 31 at the time of accident, sustained grievous injuries on 09.11.2018. While riding his motorcycle bearing Reg. No. TN-19-P-2666 on the ECR Road near Ideal Beach, Devaneri on the said day, he was hit by a bus owned by the respondent bearing Reg. No. TN-01-N-8817, alleged to have been driven rashly and negligently. The injuries included multiple fractures in right patella, right femur, ribs, spondylolysis etc. He underwent two surgeries on 20.11.2018 and 23.11.2018 and continued treatment for over two years. A claim for compensation of Rs. 15,00,000/- was filed. The Tribunal partly allowed the claim and awarded Rs.14,58,500/-.



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3.Mr. K. Ayyadurai, learned counsel for the appellant contends that the Tribunal erred in fixing functional disability at only 22% despite the Regional Medical Board having assessed 47% whole body disability. No compensation was awarded for loss of income during the two-year treatment period. Monthly income was wrongly assessed at Rs.12,000 despite the appellant being a qualified Civil Engineer (Ex. P15). Compensation for pain and sufferings, loss of marital prospects, amenities and attender charges were inadequate. No amount was awarded for future medical expenses or mental agony. The multiplier adopted '16' should have been '17' as per the II Schedule of the MV Act. The overall award of Rs.14,58,500/- was meagre and unsustainable in law. It is further submitted that the Tribunal failed to consider the true extent of disability and the actual loss of earning capacity and the income and heads like pain and sufferings, marital loss, and functional impairment were grossly underestimated.

4.However, Mr. M. Murali Vinodh, learned counsel for the respondent submitted that the accident occurred due to the negligence of the appellant, and the Tribunal's award was fair. The appellant was responsible for the accident, and the compensation deserves no



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enhancement.

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5. Heard the parties and perused the materials available on record.

6. The Tribunal rightly found, based on FIR (Ex. P1) and the testimony of PW1, that the accident was due to the rash driving of the bus driver. The respondent did not produce any independent witness or counter complaint. RW1's evidence lacked corroboration and hence, there is no reason to disturb with the said finding. As regards quantum, the Tribunal fixed Rs.12,000 per month. Considering the appellant's engineering qualification (Ex. P15) and age (31), we enhance it to Rs.13,000 per month. Ex. C1 issued by Government Stanley Medical College Medical Board assessed 47% whole body disability. The Tribunal erred in reducing it to 22%. In **Prakash Chand Sharma v. Rambabu Saini & Anr. [2025 SCC OnLine SC 276]**, the Supreme Court held that certified disability must be adopted unless disproved. Accordingly, we adopt 47% for loss of earning capacity. As the appellant was 31 years, the multiplier of **16** applied by the Tribunal is correct as



per **Sarala Verma (2009) 6 SCC 121**. As held in **Pranay Sethi (2017)**

16 SCC 680, the Tribunal has rightly added 40% towards future

prospects. Accordingly, the loss of income is calculated as follows:

$(Rs.13,000+40\%(Rs.5,200/-)=Rs.18,200/- \times 12 \times 16 \times 47\%=Rs.16,42,368/-)$.

The compensation awarded under the other heads is fair and reasonable and does not warrant interference.

7. Consequently, the total compensation amount is increased from Rs.14,58,500/- to Rs.23,91,196/- and the revised compensation is as follows:

S.No.	Description	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1.	Disability	7,09,632/-	16,42,368/-	Enhanced
2.	Medical Expenses	6,67,328/-	6,67,328/-	Confirmed
3.	Pain and Suffering	30,000/-	30,000/-	Confirmed
4.	Transportation Expenses	5,000/-	5,000/-	Confirmed
5.	Nutrition Expenses	10,000/-	10,000/-	Confirmed
6.	Damages to Clothes	2,000/-	2,000/-	Confirmed
7.	Attender Charges	4,500/-	4,500/-	Confirmed
8.	Loss of Amenities	30,000/-	30,000/-	Confirmed
	Total	14,58,460 rounded off to 14,58,500	23,91,196 rounded off to 23,91,200	Enhanced



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(R.S.K.,J.)	(A.D.M.C.,J.)
17.04.2025	

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Motor Accident Claims Tribunal,
In the IV Court of Small Causes,
Chennai.



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**R. SURESH KUMAR, J
and
A.D. MARIA CLETE, J**

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