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CMA No. 1879 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1879 of 2025

1. G.Chandrababu
S/o.Gopal, No.141, Sachidhanantham
Street, Kosapet, Chennai -600 012.

Appellant(s)

Vs

1. Metropolitan Transport Corporation
Ltd.,
Rep. by Its Managing Director,
Pallavan Salai, Chennai -600 002.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award passed by the learned Tribunal on the file of V Court of Small Causes Court, Chennai dated 02.02.2023 made in M.A.C.T.O.P.No.7844 of 2015 from Rs.2,50,000/- to Rs.5,00,000/- with interest, cost and thus render justice.

For Appellant(s): Mr.K.V.Muthuvisakan

For Respondent(s): Mr. M.Muralivinoth

JUDGEMENT

The appellant has filed this appeal against the award passed in MACTOP.NO.7844/2015 on the file of Motor Accident Claims Tribunal, V Court of Small Causes Court, Chennai, dated 02.02.2023.



2. On considering the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.2,50,000/- as compensation, directed 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.

3. Challenging the restricted award passed by the Tribunal, the claimant has preferred the present appeal. Though the claimant had filed the claim petition seeking compensation of Rs.2,50,000/-, the Tribunal, while arriving at the award, assessed the compensation at Rs.3,16,795/-, but restricted the award to Rs.2,50,000/-, being the amount claimed.

4. Aggrieved by the said restriction, the learned counsel for the claimant relied upon the authority laid down in (2023) 1 SCC 204, *Meena Devi Vs. Nunu Chand mahto @ Nemchand Mahto and others*, contending that the Tribunal ought not to have restricted the compensation to the amount claimed.

“In para 17, stated as follows:

17. At this Stage, it is necessary to clarify that as per the decision of a three Judge Bench of this Court in Nagappa V. Gurudayal Singh, it was observed that under the MV Act, there is no restriction that the Tribunal / Court cannot award compensation exceeding the amount so claimed. The Tribunal / Court ought to



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award “just” Compensation which is reasonable in the facts relying upon the evidence produced on record. Therefore, less valuation, if any, made in the claim petition would not be impediment to award just compensation exceeding the claimed amount.”

5. Accordingly, the restricted award passed by the Tribunal is liable to be set aside. Apart from the same, the claimant also prayed for enhancement of the compensation.

6. The claimant was working as a Supervisor in the Boat Club and was earning a monthly salary of Rs.12,777/-. In support of the said contention, a salary certificate was marked as Ex.P12. Though the Tribunal considered the said document, it fixed the loss of income only for a period of three months, which, according to the learned counsel, is inadequate, and therefore sought enhancement.

7. Considering the fact that the claimant was hospitalized for 67 days and had undergone two surgeries, the loss of income requires enhancement. Accordingly, the period of loss of income is fixed at eight months. The private doctor assessed the disability at 40%, whereas the Tribunal, without proper justification, fixed the disability at only 20%.

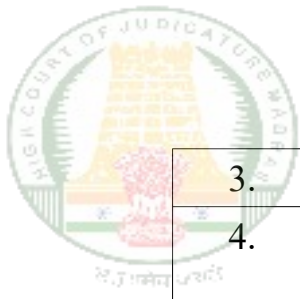


8. The learned counsel for the insurance company submitted that the Medical Board had not assessed the disability and, therefore, the Tribunal had rightly fixed the disability.

9. Considering the nature of injuries sustained by the claimant, this Court is inclined to fix the permanent disability at 30% and awarded Rs.5,000/- per percentage. Accordingly, a sum of Rs. 1,50,000/- (Rs. 5,000 x 30%) is awarded towards partial permanent disability. Due to the accident, the appellant would have been unable to attend to his regular work for at least eight months. Therefore, a sum of Rs. 1,02,216/- (Rs. 12,777 x 8 months) is awarded towards loss of income. Additionally, the amount awarded by the Tribunal under the heads of Pain & suffering and mental agony, Extra nourishment, Damages to clothes and Loss of amenities are enhanced to Rs.50,000/-, Rs.15,000/-, Rs.2,000/-, and Rs.50,000/- respectively. In all other heads, the award passed by the Tribunal remains unchanged.

10. 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	80,000	1,50,000
2.	Medical Bills	1,38,064	1,38,064



3.	Loss of Income	38,331	1,02,216
4.	Pain and sufferings and mental agony	10,000	50,000
5.	Transportation	8,000	8,000
6.	Extra Nutrition	10,000	15,000
7.	Damages to clothes	500	2,000
8.	Attender charges	21,900	21,900
9.	Loss of amenities	10,000	50,000
	Total	3,16,795	5,37,180

Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,16,795/- to Rs.5,37,180/-, which shall carry interest at the rate of 7.5% per annum.

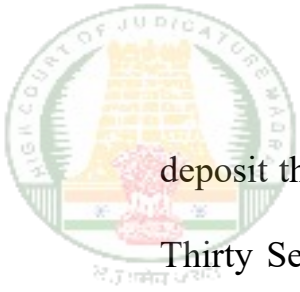
11. In the result:

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.3,16,795/- to Rs.5,37,180/-.

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 / Transport Corporation, Chennai, is directed to



deposit the amount awarded by this Court i.e., Rs.5,37,180/- (Rupees Five lakh Thirty Seven thousand one hundred and eighty only), together with interest at the rate of 7.5% per annum, from the date of claim petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order.

v. On such deposit being made by the respondent, 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.

21-08-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. Metropolitan Transport Corporation
Ltd.,
Rep. by Its Managing Director,
Pallavan Salai, Chennai -600 002.

2. The Motor Accident Claims Tribunal,
V Court of Small Causes Court,
Chennai.

3. The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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