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C.M.A.No.2675 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.2675 of 2022

S.Jayaraj

... Appellant

VS.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award dated 10.10.2019 and made in M.A.C.T.O.P.No.7907 of 2015 on the file of the Motor Accident Claims Tribunal (in the court of the Principal Special Judge, Special court under E.C. & NDPS Act, Chennai-104).

For Appellant : Mr.A.G.F.Terry Chella Raja

For Respondent : M/s.S.Shanthakumari

J U D G M E N T



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WEB COPY Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal (in the Court of the Principal Special Judge, Special Court under E.C. & NDPS Act), Chennai in M.A.C.T.O.P.No.7907 of 2015, dated 10.10.2019, the injured/claimant has come by way of this appeal.

2. It is the case of the appellant/claimant that he sustained grievous injuries in a road accident that had occurred on 01.02.2015, when he was travelling in a bus belongs to the Respondent/Transport Corporation. It is the case of the claimant that the driver of the Respondent/Transport Corporation drove the vehicle in a rash and negligence manner and hit behind another bus, which was parked in the same direction. Due to the road accident, the claimant received grievous injuries and deep cut injuries near knee of right leg and an upper side teeth of the claimant were removed . Therefore, a claim petition was filed seeking compensation of Rs.9,00,000/-.

3. Before the Tribunal, claimant was examined as PW.1 and yet



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another witness was examined as PW.2. on his behalf, 9 documents were marked as Exs.P1 to P9. On behalf of the Respondent-Transport Corporation, the driver of the bus was examined as RW.1 and no documents were marked on behalf of Transport Corporation.

4. The Tribunal based on the evidence available on record, came to the conclusion, the driver of respondent was negligent and awarded a compensation of Rs.1,05,000/- in favour of the claimant. Not satisfied with the quantum of compensation fixed by the Tribunal, the claimant has come by way of this appeal.

5. Heard the arguments of learned counsel appearing for the appellant and learned counsel appearing for the 2nd respondent.

6. Both the learned counsel appearing for the appellant as well as learned counsel appearing for the Respondent-Transport Corporation have not advanced any arguments on the questions of negligence and liability. Therefore, facts necessary to decide those questions are not discussed in this judgment.

7. The learned counsel appearing for the appellant/claimant would submit that accident had occurred in the year 2015, however, the Tribunal



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awarded a sum of Rs.3,000/- per percentage of disability and the same is very much on lower side.

8. The learned counsel appearing for the Respondent/Transport Corporation would submit that the claimant has not suffered any disability so as to interfere with his avocation and hence, the Tribunal was justified in awarding compensation by following per percentage basis. The learned counsel further submits that the amount of Rs.3,000/- awarded by the Tribunal is justified in the facts and circumstances of the case.

9. The Division Bench of this Court in ***Future General India Insurance Company Limited vs. Manivannan and others*** (C.M.A.No.3334 of 2021, dated 15.06.2022), observed that a sum of Rs.4,000/- per percentage of disability would be appropriate for the accident of the year 2014-2015. Therefore, this Court is inclined to fix Rs.4,000/- per percentage of disability. In that case, the claimant is entitled to Rs.80,000/- under the head disability (Rs.4,000 x 20).

10. The amount awarded by the Tribunal under the various other heads like pain and sufferings, loss of amenities and extra nourishment are



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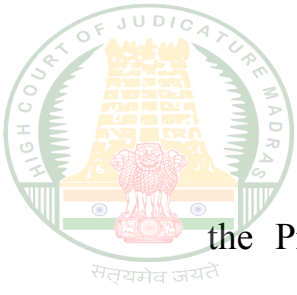
reasonable and the same are confirmed. Accordingly, the award passed by

the Tribunal is enhanced to Rs.1,25,000/-. Hence, the award passed by the

Tribunal is modified as follows:-

Sl. No.	Description	Compensation awarded by the Tribunal	Compensation awarded by this Court	Remarks
1.	Loss of earning capacity	Rs.60,000/-	Rs.80,000	Enhanced
2.	Nutritious food and other miscellaneous expenses	Rs.5,000/-	Rs.5,000/-	Confirmed
3.	Pain and Suffering	Rs.20,000/-	Rs.20,000/-	Confirmed
4.	Loss of Amenities	Rs.20,000/-	Rs.20,000/-	Confirmed
Total		Rs.1,05,000/-	Rs.1,25,000/-	Rs.20,000/-

11. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.1,25,000/- from Rs.1,05,000/-. The Respondent/Transport Corporation is directed to deposit the enhanced award amount of Rs.1,25,000/- together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation (excluding the delay period of 893 days as per order in C.M.P.No.16198/2022), after deducting the amount already deposited, if any, to the credit of M.A.C.T.O.P.No.7907 of 2015 on the file of the Motor Accident Claims Tribunal (in the Court of



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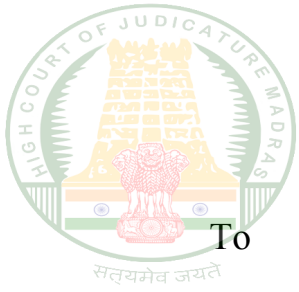
the Principal Special Judge, Special Court under E.C. & NDPS Act),

Chennai, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the award amount by making formal application.

12. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

04.03.2025

Index :Yes / No
Speaking order :Yes / No
Neutral Citation :Yes / No
dm



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To

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- 1.The Motor Accident Claims Tribunal
(in the court of the Principal Special Judge,
Special court under E.C. & NDPS Act, Chennai-104)
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram.
- 3.The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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