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CMA No. 1861 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1861 of 2025

1. E.Chandra

W/o. Elumazhai, No.6, Muthu

Mariammai Kovil St, M.G.R Nagar,

Kalaighnar Karunanidhi Nagar, Chennai

078

Appellant(s)

Vs

1. The Managing Director

State Express Transport Corporation,

Thiruvallur House, Pallavan Salai,

No.2, SETC, Mount Road, Chennai-600

002

2.The Managing Director

Tamil Nadu State Transport

Corporation, Kumbakonam Limited,

Railway Station New Road,

Kumbakonam

Respondent(s)



CMA No. 1861 of 2025

PRAYER

To enhancing the compensation awarded in the Fair and Decretal order dated 30.08.2023 passed in M.C.O.P. No. 3269 of 2021 on the file of the Motor Accidents Claims Tribunal (In the II Court of Small Causes, Chennai)

CMA No. 1861 of 2025

For Appellant(s): Mr.Amar Dineshbhai Pandiya

For Respondent(s): Mr.M.Murali Vinodh For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Fair and Decretal order dated 30.08.2023 passed in M.C.O.P. No. 3269 of 2021 on the file of the Motor Accidents Claims Tribunal (In the II Court of Small Causes, Chennai)(in short "tribunal").

2. On 04.02.2021 at about 00.30 hours, when the claimant was travelling as a passenger in TNSTC bus bearing registration No. TN 68 N 0479 proceeding from Mayiladuthurai to Chennai, on Panruti – Chennai N.H Road, Near Vasugi Rice Mill at Pappanapattu Village, at that time SETC bus bearing registration No. TN 01 AN 2452 came in opposite direction in a rash and negligent manner dashed against the bus travelling in the claimant due to which



the claimant sustained multiple injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The respondents contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant submits that claimant has sustained multiple injuries and the doctor assessed the disability of 30% but the tribunal has failed to take note of the above fact and erroneously held that the claimant was not sent to medical board for assessment of disability. Hence, he prays to allow this petition.

3. The learned counsel for the respondent submits that the claimant has failed to appear before the medical board hence the tribunal not granted compensation under the head of disability. Hence, he prays to dismiss this appeal.

4. On perusal of the records, as per Ex.P11/disability certificate, the claimant sustained following injuries:

Fracture Medial Condyle Left femure, Spondylo listhesis L4 L5

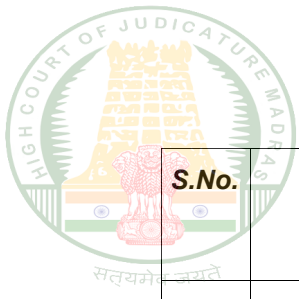


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5. As per Ex.P11, the claimant sustained fracture as well as injuries and the private doctor certified that 30% permanent disability. Admittedly, the claimant has not appeared before the medical board. On seeing the gravity of the injury, this Court is inclined to fix 15% disability and fix Rs.9,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,35,000/- under the head of disability. Further, considering the injuries sustained by the claimant, this Court is inclined to fix Rs.36,000/- as loss of income(3x12,000) and also the this Court is inclined to enhance Rs.20,000/- for pain and sufferings and Rs.15,000/- for loss of amenities and Rs.10,000/- for attender charges and Rs.10,000/- for transportation charges and Rs.10,000/- for extra nourishment.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.10,000/-	Rs.20,000/-
2.	Loss of Income	Rs.8,000/-	Rs.36,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.5,000/-	Rs.10,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.10,000/-	Rs.15,000/-
9.	For permanent disability	Nil	Rs.1,35,000/-
10	Total	Rs.43,000/-	Rs.2,36,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,36,000/-**. The 1st respondent is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of M.C.O.P. No. 3269 of 2021 on the file of the Motor Accidents Claims Tribunal (In the II Court of Small Causes, Chennai), within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal.



8. With the above direction, the Civil Miscellaneous Appeal is partly

allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Tamil Nadu State Transport
Corporation, Kumbakonam Limited,
Railway Station New Road,
Kumbakonam.

3. The Section officer, V.R Section,
High Court, Madras.

4. The Motor Accidents Claims
Tribunal (In the II Court of Small
Causes, Chennai)



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T.V.THAMILSELVI J.
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