



CMA No. 1314 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1314 of 2023

1. Manikandan

S/o. Anand, No. 14, Anna Street, Extn,
Shanmugapuram, Puducherry.

Appellant(s)

Vs

1. The Managing Director
Tamilnadu State Transport Corporation,
Villupuram Division, No. 3/137,
Salamedu, Vazhuthachery and Post,
Villupuram District and Taluk,
Tamilnadu - 605 402.

Respondent(s)

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PRAYER

To set aside the Decree and Judgement dated 04.08.2018 made in MCOP No.399 of 2015 on the file of the Motor Accident Claims Tribunal, the Special Officer Cum Additional Sub Judge, Puducherry.



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For Appellant(s): Mr.S.Ramprabu For
Mr.T.Ananthasekar

For Respondent(s): Ms.S.Shanthakumari

JUDGEMENT

This Civil Miscellaneous appeal has been filed to set aside the Decree and Judgement dated 04.08.2018 made in MCOP No.399 of 2015 on the file of the Motor Accident Claims Tribunal, the Special Officer Cum Additional Sub Judge, Puducherry.

2. The brief facts of the case:

On 05.04.2015 at about 07.45 p.m., at Villianur Main Road, opposite to More market, Balaji oulgaret, Puducherry, when the petitioner was rode his motorcycle bearing registration No. PY 01 AQ 2388 came from East to West direction and the petitioner was waiting for turning towards East, at that time bus bearing registration No. TN 32 N 3571 belonging to the first respondent and driven by Rajendiran, in a rash and negligent manner without following traffic rules and without making sound horn came from opposite direction dashed against the claimant, due to which, he sustained grievous injuries. Thereafter,



the claimant filed the petition before the tribunal claiming compensation. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the appellant filed this appeal.

3. The learned counsel for the appellant submits that due to the said accident the claimant's finger was amputated and suffered with functional disability at that time the claimant was studying college at the time of the accident. But without considering the above, the Tribunal awarded very less compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that after accident the appellant continued his education and there is no functional disability. Hence, the tribunal rightly fixed the compensation which needs no interference.

5. Heard both sides.

6. Considering the fact that at the time of the accident the claimant was studying BCA due to the said accident he sustained crush injuries and one of his finger was amputated. Considering the disability sustained by the appellant, this Court is inclined to adopt multiplier method. Further, the appellant is BCA



graduate and considering his education qualification, this Court is inclined to fix Rs.15,000/- as notional income of the appellant and this granted 40% towards future prospects in light of the judgment of the Constitution Bench of this Hon'ble Court in National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680. Accordingly, the claimant/appellant is entitled to Rs. 8,16,480/- $(15000+6000 \times 12 \times 18 \times 18 / 100)$ under head of disability. Further, the appellant has suffered lot of pain due to the said accident and he would have required extra nourishment for recovery. Hence, this Court is inclined to fix Rs.60,000/- and Rs. 15,000/- under the head of pain and sufferings and extra nourishment, respectively. Further, this Court is inclined to award Rs.50,000/- under the head of comfort and amenities. Amount awarded under the head of loss of education is unwarranted. Accordingly, amount awarded under the head of loss of education is ordered to be deleted. Interest for default period is ordered to be waived. Except above modification the award passed by the tribunal in other heads remain unchanged.



S.N o.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.45,000/-	Rs. 60,000/-
2.	Loss of Income	Nil	Nil
3.	Medical Expenses	Rs.10,000/-	Rs.10,000/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.30,000/-	Rs.50,000/-
9.	For permanent disability	Rs.54,000/-	Rs.8,16,480/-
10	Total	Rs.1,79,000/-	Rs.9,71,480/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 9,71,480/-**. The **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 MCOP No.399 of 2015 on the file of the Motor Accident Claims Tribunal, the Special Officer Cum Additional Sub Judge, Puducherry., 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. The respondent may deduct the amount,



if any excessive amount has already been deposited before the tribunal.

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

allowed. No costs.

19-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal, the Special Officer Cum Additional Sub Judge, Puducherry.

2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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