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CMA No. 2308 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2308 of 2023

Jagadeesan

Appellant

Vs

The Managing Director
Tamil Nadu State Transport
Corporation(VPM) Ltd., Villupuram
Division

Respondent

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow this appeal and enhance the compensation amount awarded in the judgement dated 02.08.2023 made in MCOP.No.2137/2019 on the file of Motor Accident claims tribunal (IV Small Causes judge) Chennai

For Appellant: Ms.S.Krithika Devi
For M/s.S Law Firm

For Respondent: Mr. C.R.Sureshkumar



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JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.2137 of 2019, dated 02.08.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 20.08.2018 at about 19.30 hours, when the petitioner was travelling as a pillion rider in a two wheeler bearing Regn. No.TN-03-V-8076 from Vandavasi to Pukkathurai on Mangalam Village near Government Primary School, at that time, a Government bus bearing Regn. No. TN-32-N-3083 proceeding opposite direction driven by the driver in a rash and negligent manner and dashed on the petitioner's vehicle and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.50,00,000/-.



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3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.2,01,184/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,00,000
2.	Medical expenses	1,184
3.	Loss of income	22,000
4.	Pain and suffering	25,000
5.	Transportation expenses	10,000
6.	Nutrition expenses	10,000
7.	Damages to cloths	2,000
8.	Attender charges	1,000
9.	Loss of amenities	30,000
	Total	2,01,184



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4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant argues that though the private doctor assessed the disability at 40% of partial permanent disability, he was suffered with injury in both borne at right leg, but the tribunal has arrived only 20% of disability. Hence, he prayed to enhance the compensation.

7. The learned counsel for respondent transport corporation raised strong objections stating that the tribunal rightly assessed the disability and passed the award under other heads, which needs no interference.

8. On perusal of award passed by the Tribunal below, the fact reveals that at the time of accident, the claimant was working as driver in Corborndum Universal Ltd. So, the loss of income was fixed as two months. Furthermore,



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the tribunal has awarded a sum of Rs.5000/- per percentage of disability. By

relying the discharge summary, the learned counsel for respondent would

submit that only 68 days, he is in hospital, but however on seeing the grievous

injury, this Court is inclined to enhance the loss of income as six months. The

accident was happened in the year 2018 and he was aged about 24 years.

Therefore, on considering the cost of living, this Court is inclined to enhance

the notional income from Rs.11,000/- per month to Rs.15,000/- per month.

Considering the 30% of permanent disability, this court is inclined to enhance

the sum awarded as Rs.5000/- per percentage to Rs.7000/- per percentage. On

seeing the facts, he has undergone surgeries during the treatment period and also

took treatment for 63 days in various hospitals. Hence, for the pain and

sufferings, the sum awarded as Rs.25,000/- is enhanced to Rs.50,000/-. As he is

in need of more nourishment, the nutrition expenses awarded as Rs.10,000/- is

enhanced as Rs.20,000/-. Furthermore, his cloths would have been damaged in

the accident. Hence, a sum of Rs.2000/- fixed for damages to cloths is enhanced

to Rs.5000/-. Considering the fact that during the treatment period, the

petitioner required an attender, the attender charges is enhanced from



Rs.10,000/- to Rs.24,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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9.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability/loss of earning during the treatment period (30% x Rs.7000 = Rs.2,10,000/-) /(Rs.15,000 x 6 = Rs.90,000/-)	3,00,000
2.	Medical expenses	1,184
3.	Pain and sufferings	50,000
4.	Transportation expenses	10,000
5.	Nutrition expenses	20,000
6.	Damages to cloths	5,000
7.	Attender charges	24,000
8.	Loss of amenities	30,000
	Total	4,40,184 Rounded off 4,40,190

10.The compensation awarded by the tribunal at Rs.2,01,184/- is enhanced to Rs.4,40,190/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.4,40,190/-, less the amount



already deposited, together with interest at 7.5% p.a. from the date of claim

petition till the date of deposit within a period of eight weeks from the date of

receipt of this judgment. Insofar as the enhanced compensation is concerned,

the deficit court fee, if not paid, shall be paid by the claimants. The other

directions issued by the Tribunal with regard to the mode of payment of

compensation remains unaltered.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

17-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.

2. Section Officer, VR Section, Madras High Court.



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