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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2442 of 2024

Parameshwari

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation(VPM)
3/137, Salamedu, Valudhareddy Post,
Villupuram Division – 605 602.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to allow this appeal and enhance the compensation amount awarded in the Judgment dated 12.03.2021 made in M.C.O.P.No.3014 of 2016 on the file of Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai as prayed for with interest and cost

For Appellant : Mr.Ms.S. Krithika Devi forS. Law firm
For Respondent : Mr.S.S. Santhosh Kumar, SC

JUDGMENT



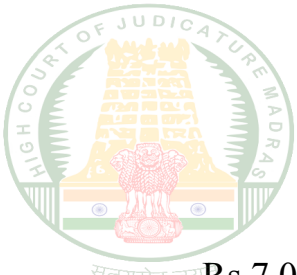
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The appellants have filed this appeal to enhance the compensation amount awarded in the Judgment dated 12.03.2021 made in M.C.O.P.No.3014 of 2016 on the file of Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai

2. The brief facts of the case of the appellant/claimant is as follows:

On 21.02.2016 at about 14.00 hours when the appellant herein was travelling as a passenger in the bus bearing Reg.No.TN-21-N-3486 which was proceeding towards Kovalam Kunnakkadu Boat House, the driver of the bus drove the bus in a rash and negligent manner and dashed against the Government Bus bearing Reg.No.TN-21-N-1810 which was proceeding in the opposite direction. As a result of which the appellant herein sustained grievous injuries. The accident has occurred only due to the rash and negligent driving of the driver of the bus bearing Reg.No.TN-21-N-3486. Hence, the appellant filed a claim petition claiming a total sum of Rs.50,00,000/- as compensation under various heads.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



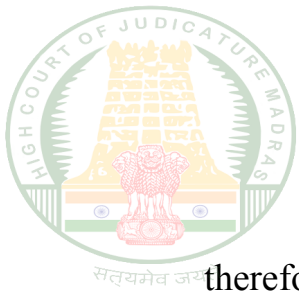
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Rs.7,02,713/- as compensation, directed the respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal had not taken the disability assessed by a doctor and they have considering the injuries and surgery and period of treatment and awarded the amount under the head loss of earning capacity. Further the amount awarded under other heads is also very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and



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therefore, it need not be interfered.

7. Heard Mr.S.. Krithika Devi learned counsel for the appellant and Mr.S. Santhosh Kumar, learned standing counsel for the respondent.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has fixed the monthly income as Rs.8,000/- and applied the dictum laid down in the decisions of the Apex Court and awarded Rs.4,03,200/- under the head Loss of earning capacity; Rs.1,00,000/- was awarded towards loss of amenities; Rs.2,763/- was awarded towards medical bills; Rs.5,000/- was awarded towards transport to hospital; Rs.46,500/- was awarded towards nutritious food; Rs.23,250/- was awarded towards attender charges; Rs.50,000/- was awarded towards pain and suffering and Rs.72,000/- was awarded towards partial loss of earning. Thus the total compensation was quantified to Rs.7,02,713/-

9. Considering the avocation of the injured, the Tribunal ought to have fixed the income at Rs.10,000/- which was not done. Hence, this Court is inclined to fix the income of the claimant as Rs.10,000/- and



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applying the dictum laid down in the decisions of the Apex Court the same is enhanced to Rs.5,04,000/-. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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.	Loss of earning capacity	4,03,200/-	5,04,000/-
2.	Loss of amenities	1,00,000/-	1,00,000/-
3.	Medical Bills	2,763/-	2,763/-
4.	Transport to Hospital	5,000/-	5,000/-
5	Nutritious food	46,500/-	46,500/-
5.	Attender charges	23,250/-	23,250/-
6.	Pain and suffering	50,000/-	50,000/-
7.	Partial loss of earning	72,000/-	72,000/-
	Total	Rs.7,02,713/-	Rs.8,03,513/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.7,02,713 /- to Rs. 8,03,513/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:



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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.7,02,713 /- to Rs. 8,03,513/-**.

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/Tamil Nadu State Transport Corporation is directed to deposit the enhanced compensation amount, i.e., **Rs.8,03,513/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.3014 of 2016 on the file of Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by 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.



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01.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

1. The Principal Special Judge,
Special Court under E.C. & NDPS Act, Chennai.
2. The Managing Director,
Tamil Nadu State Transport Corporation(VPM)
3/137, Salamedu, Valudhareddy Post,
Villupuram Division – 605 602.
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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