



CMA No.624 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.624 of 2025

Arumugam

...Appellant

vs.

The Managing Director,
M/s Tamil Nadu State Transport Corporation Limited,
having head office at No.12, Ramakrishna Road,
Salem - 7.

... Respondent

Prayer: The Civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the award passed by the Tribunal in MCOP No.1358 of 2022, dated 01.02.2024 on the file of Special District Court, Motor Accident Claims Tribunal, Salem.

For Appellant : Mr.R.Navaneetha Krishnan

For Respondent : Mr.D.Nitin

ORDER



CMA No.624 of 2025

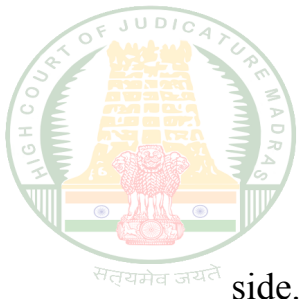
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Not satisfied with the quantum of compensation awarded by the Tribunal, the claimant has come before this court by filing the present appeal.

2. It is not in dispute that the appellant/claimant sustained " subtrochanteric fracture left femur bone " in a road accident that had taken place on 11.03.2022 involving a bus belonging to the respondent corporation.

3. The learned counsel for the appellant/ claimant and the respondent/ insurance company have not advanced any arguments on the questions of negligence as well as liability. Therefore, the facts necessary for deciding the above questions are not discussed in this appeal.

4. The learned counsel for the appellant would submit that as per the disability certificate issued by the Medical Board, the claimant suffered permanent disability at 20% and the Tribunal awarded only a sum of Rs.4,000/- per percentage and the same is very much on lower



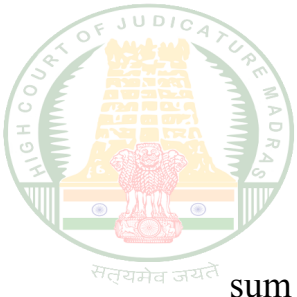
CMA No.624 of 2025

WEB COPY

side. He further submitted that the Tribunal has not awarded any compensation towards the expenses for taking nutritious food.

5. The learned counsel for the respondent/Corporation would submit that due to the injury suffered in the road accident, the claimant's avocation is not at all affected. Therefore, the Tribunal was justified in fixing Rs.4,000/- per percentage towards disability.

6. A perusal of Ex.C1 disability certificate would indicate that the claimant suffered fracture in his left femur bone. The Medical Board had examined the claimant and issued disability certificate Ex.C1, fixing permanent disability at 20%. However, the claimant has not produced any document to show that the disability suffered by him has interfered with his avocation. The claimant is employed as conductor in the respondent Corporation and there is no evidence to show that due to the injury suffered by him, his avocation is affected. Therefore, the Tribunal was justified in granting compensation on percentage basis. The accident had taken place in the year 2022. Having regard to the date of accident, this court feels that it would be appropriate to grant a



CMA No.624 of 2025

WEB COPY

sum of Rs.9,000/- per percentage of disability.

7. It is seen from the discharge Summary Ex.P5 that the claimant was in hospital from 16.03.2022 to 21.03.2022 nearly for six days. Therefore, the amount of Rs.20,000/- awarded under the head pain and sufferings is confirmed.

8. The claimant produced medical bills marked as Ex.P6 to show that he spent a sum of Rs.1,733/- towards medical expenses. However, the Tribunal liberally granted Rs.10,000/- towards medical expenses and hence, the said amount is taken as including the compensation under the head extra nourishment. Therefore, the amount awarded under the head medical bills is also confirmed.

9. Accordingly, the compensation awarded by the Tribunal is modified as under:



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Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	80,000	1,80,000	Enhanced
2.	Pain and sufferings	20,000	20,000	confirmed
3.	Medical bills and extra nourishment	10,000	10,000	confirmed
	Total	1,10,000	2,10,000	enhanced by 1,00,000

10. With the above modifications, this **Civil Miscellaneous Appeal** is **partly allowed** and the compensation awarded by the Tribunal at Rs.1,10,000/- is hereby enhanced to **Rs.2,10,000/-** together with interest at 7.5% per annum (excluding the default period, if any) from the date of petition till the date of deposit.

11. The respondent/State transport Corporation is directed to deposit the compensation amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of **four weeks** from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant shall be permitted to withdraw the compensation amount along with interest and costs, less



CMA No.624 of 2025

WEB COPY

the amount if any, already withdrawn, after making formal application

before the Tribunal. There shall be no order as to costs.

03.03.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
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To

1. The Special District Judge,
Motor Accident Claims Tribunal,
Salem.
2. The Section Officer,
V.R. Section, Madras High Court,
Chennai-104.



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CMA No.624 of 2025

S.SOUNTHAR, J.

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CMA No.624 of 2025

03.03.2025