



CMA No.3081 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3081 of 2024

S.Prabakaran

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation awarded in the judgement and decree, dated 05.01.2024 passed in MCOP.No.6027 of 2017, in the Court of the Special Sub Judge No.II, Motor Accidents Claims Tribunal (Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji
For Respondent : Mr.S.S.Santhosa Kumar

JUDGMENT

The appellant has filed this appeal against the award passed in MCOP.No.6027 of 2017 on the file of the Court of the Special Sub Judge No.II, Motor Accidents Claims Tribunal (Court of Small Causes, Chennai), dated 05.01.2024.



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

On 25.06.2017, at about 5.30 hours, while he was travelling in the bus bearing Registration No.TN-32-N-3934 as a conductor, proceeding along Jawaharlal Nehru 100 feet road near Lakshman Shruti Signal, Ashok Nagar, Chennai, the driver of the said bus drove it in a rash and negligent manner and hit the rear side of the stationary bus bearing Registration No.TN-57-AZ-1516. Due to impact, the appellant sustained grievous injuries. Since the accident occurred solely due to the rash and negligent driving of the respondent's bus driver, the respondent corporation is liable to pay compensation to the appellant / petitioner.

3. Upon considering the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.13,34,000/- as compensation, directing 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.



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

5. Heard Mr. K.Balaji, learned counsel appearing for the appellant, and Mr.S.S.Santhosa Kumar, learned counsel appearing for the respondent.

6. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. Due to the accident, three toes of the claimant's foot were amputated. However, the disability assessed by the Medical board was not properly appreciated by the Tribunal. The Tribunal further erred in fixing the monthly income at Rs.6,800/-, without taking into consideration the salary slip marked as Ex.P.12. Hence, the learned counsel prays for enhancement of the compensation, with 40% addition towards future prospects, as the claimant is now unable to carry out his previous work.



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7. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal was based on well-settled principles of law applicable at the time of the order, and therefore, does not require interference. He further submitted that the claimant has not lost his employment and is still in service. However, due to the amputation of three toes, his post has been downgraded to that of an Office Assistant. The Tribunal failed to take note of this aspect, which warrants interference. Considering the amputation, the claimant is now working as a helper and earning Rs.12,000/- per month, whereas before the accident his earning capacity was Rs.16,000/-. Therefore, this Court is inclined to fix the notional monthly income at Rs.12,000/-, with 40% addition towards future prospects.

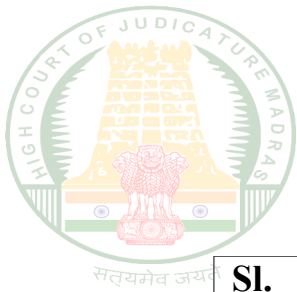
Calculation

Notional Income = Rs.12,000/-

40% Future Prospects = $12,000 + 4,800 = 16,800$

Loss of earning capacity = $16,800 \times 12 \times 18 \times 40/100$
= Rs.14,51,520/-

8. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of earning capacity	5,87,500	14,51,520
2.	Part Disability	---	---
3.	Pain and suffering	2,00,000	2,00,000
4.	Loss of income	---	---
5.	Medical expenses	4,35,500	4,35,500
6.	Attender Charges	51,000	51,000
7.	Transportation	10,000	10,000
8.	Loss of Amenities	25,000	25,000
9.	Extra Nourishment	25,000	25,000
	Total	13,34,000	21,98,020

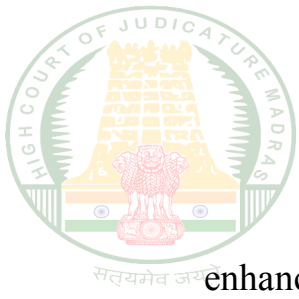
Thus, the compensation awarded by the Tribunal is enhanced from Rs.13,34,000/- to Rs.21,98,020/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result:

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.13,34,000/- to Rs.21,98,020/-.

iii. The appellant/claimant is directed to pay the Court fee for the



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enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

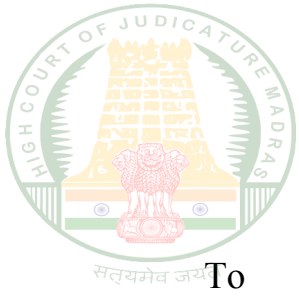
iv. The respondent, Tamil Nadu State Transport Corporation Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.21,98,020/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 6027 of 2017 on the file of the Special Sub Judge No.II, Motor Accidents Claims Tribunal (Court of Small Causes, Chennai), within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, 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.

17.07.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To
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1. The Special Sub Judge No.II,
Motor Accidents Claims Tribunal
(Court of Small Causes, Chennai).
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram.
3. The Section Officer, V.R. Section,
High Court of Madras.



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T.V.THAMILSELVI, J.

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