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CMA No. 2926 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2926 of 2023

G. Balasubramani

Appellant

Vs

Metropolitan Transport Corporation
(Chennai Division) Ltd., rep by its the
Managing Director, Pallavan House,
Anna Salai, Chennai 2.

Respondent

PRAYER : Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the Judgement and Decree dated 30.06.2023 made in MACT OP No.2869 of 2016 on the file of the III Small Causes Court (Motor Accidents Claims Tribunal) Chennai.



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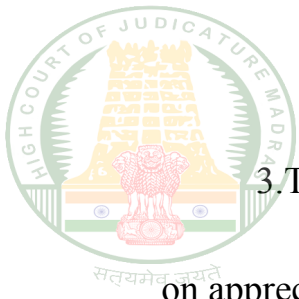
For Appellant: Mr.M.Mahendran for Mr.
N.M.Muthurajan

For Respondent: Mr. A. Vinoth Raj

JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.2869 of 2016, dated 30.06.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 02.01.2016 at about 08.15 hours, when the petitioner was traveling as a passenger in a bus bearing Regn. No. TN-01 N-7643 from Kundrathur to Pallavaram along Pammal Main Road, west to east direction, near CSE Church, the driver of a bus drove it in a rash and negligent manner closed the door without seeing passengers. Due to which, the petitioner was caught between the doors and then fell down from the bus and sustained grievous 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.20,00,000/-.



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 transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.80,100/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	25,000
2.	Pain and sufferings	20,000
3.	Transportation	4,000
4.	Medical expenses	4,700
5.	Extra nourishment	15,000
6.	Attender charges	5,400
7.	Damages to cloths	1,000
8.	Loss of amenities	5,000
	Total	80,100

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

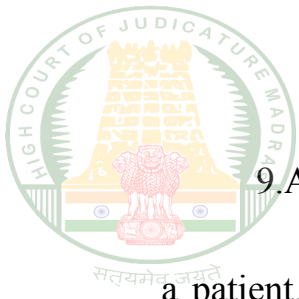


5. The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant argues that Doctor has certified 45% of disability, however the claimant/injured has sustained three major fractures, but the tribunal has fixed only 5% of disability without considering the nature of injuries sustained by the claimant/injured. To that effect, he relied the discharge summary. Hence, he prayed for modification with regard to functional disability.

7. The learned counsel for respondent transport corporation would submit that though the petitioner has stated that he was affected with functional disability, there is no evidence to show the degree of disability has affected the petitioner's daily routine avocation. Hence, the tribunal has rightly fixed the disability of the the petitioner, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as respondent transport corporation and perused materials available on record.



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9. Admittedly, the Doctor, who certified that the appellant is not treated as a patient. Therefore, the tribunal has fixed 5% of disability, but on seeing the discharge summary, it reveals that due to the accident, the appellant has sustained RTA with Mesentric Tear Pelvic fracture, Grade I renal injury and on perusal of MRI scan, it reveals that he had also fracture in right transverse process of L4 L5 vertebrae and as per x-ray report, left fore arm 1/3rd radius is dislocated. Hence, he sustained grievous injury. Even though the Doctor, who certified that he was not treated as a patient, as per the discharge summary, he sustained grievous injury and three more fractures in the said accident. Therefore, this Court is inclined to modify the functional disability from 5% to 40%. Furthermore, since the accident was happened in the year 2016, the tribunal had fixed a sum of Rs.5000/- per percentage of disability. But on seeing the functional disability suffered by the petitioner, this Court is inclined to enhance the sum awarded for per percentage of disability from Rs.5000/- to Rs.6000/-. Considering the fact that petitioner has sustained three fractures in the said accident and he took treatment as inpatient in various hospital, this Court is inclined to enhance the sum awarded by the tribunal towards pain and



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sufferings from Rs.20,000/- to Rs.50,000/- and the loss of amenities is to be increased from Rs.5000 to Rs.25,000/- and the sum awarded towards attender charges is also increased from Rs.5400/- to Rs.12000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

10.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 awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Functional Disability (Rs.6000/- x 40% = 2,40,000)	25,000	2,40,000	enhanced
2.	Pain and sufferings	20,000	50,000	enhanced
3.	Transportation	4,000	4,000	confirmed
4.	Medical expenses	4,700	4,700	confirmed
5.	Extra nourishment	15,000	15,000	confirmed
6.	Attender charges	5,400	12,000	enhanced
7.	Damages of cloths	1,000	1,000	confirmed
8.	Loss of amenities	5,000	25,000	enhanced
	Total	80,100	3,51,700	enhanced

11.The compensation awarded by the tribunal at Rs.80,100/- is enhanced to Rs.3,51,700/-. The respondent transport corporation is directed to deposit the



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enhanced compensation, 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 copy 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.

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

11-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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

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



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T.V.THAMILSELVI J.

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