



CMA.No.900 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA.No.900 of 2023

Prabhu

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishnan Road,
Salem Taluk and District.

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the decree and judgment dated 19.06.2018 passed in MCOP.No.458 of 2016 on the file of the Motor Accident Claims Tribunal cum Special District Judge, Dharmapuri and enhance the award amount

For Appellant	:Ms.T.Kowsalya for S.Sowmiya
For Respondent	:No Appearance

JUDGMENT



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Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, the claimant has come by way of this appeal.

2. Though the respondent/Transport Corporation was served and its name appears in the cause list, there is no representation for the respondent/Transport Corporation.

3. Heard the arguments of the learned counsel for the appellant.

4. It is the case of the claimant that he suffered grievous injury in a road accident that had taken place on 23.04.2016. According to him, he was travelling in a bus belonging to the respondent Corporation on 23.04.2016. The bus was driven in a rash and negligent manner by the driver of the respondent corporation and the same dashed against the lorry proceeding in front of the bus and got capsized, as a result of which, the appellant suffered fracture of left femur bone and multiple injuries all over the body. Therefore, the claim petition was claimed seeking compensation



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of Rs.20,00,000/-.

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5. The claim petition was resisted by the respondent Corporation by filing a counter denying the negligence on the part of the driver of the respondent bus. According to the respondent, the lorry came behind the bus, overtook and suddenly came in front of the bus and hence the driver of the bus in order to avoid the accident applied sudden brake and hence the whole negligence is only on the part of the driver of the lorry.

6. The Tribunal based on the evidence of PWs and the contents of the FIR came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the respondent bus. The Tribunal fixed the quantum of compensation payable to the claimant at Rs.2,10,000/-. Not satisfied with the quantum of compensation, the claimant has come before this Court.

7. The learned counsel appearing for the appellant submits that the accident has occurred in the year 2016 but the amount of Rs.3,000/- granted



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by the Tribunal for each percentage of disability is very much on the lower side and the same requires interference. The learned counsel further submitted that the amounts awarded by the Tribunal under various other heads also are very meagre and require enhancement.

8. It is seen from the pleadings of the parties, the accident had occurred on 23.04.2016. Having regard to the date of the accident and the cost of living, it would be appropriate to fix Rs.5,000/- per percentage of disability. Ex.P15 is the disability certificate issued by the Medical Board, Dharmapuri, fixing the percentage of disability at 20%. The claimant was a first year BBA Student in Balamurugan Arts and Science College, Mecheri. In the absence of any evidence to show that the injuries suffered by the claimant would interfere with future avocation, the Tribunal was justified in awarding amount on percentage basis. However, the amount of Rs.3,000/- awarded by the Tribunal per percentage is enhanced to Rs.5,000/- and hence the claimant is entitled to Rs.1,00,000/- under the head disability for 20% disability suffered by him. Taking into consideration the nature of the injury and the period of the hospitalisation the amount of Rs.30,000/- awarded under the head pain and suffering is confirmed. The amount of Rs.30,000/-

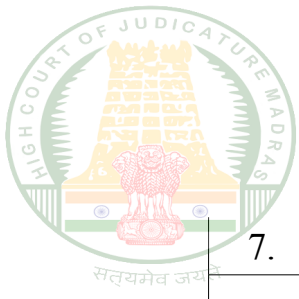


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awarded by the Tribunal for transport expenses is very much on the higher side and the same is reduced to Rs.10,000/-. Likewise, the amount of Rs.30,000/- awarded under the head loss of amenities and Rs.25,000/- awarded for extra nourishment are also on higher side. The same are reduced to Rs.25,000/- to Rs.20,000/- respectively. The amount awarded by the Tribunal under head medical expenses at Rs.20,000/- is confirmed and Rs.15,000/- awarded for attender charges is confirmed. Accordingly the total amount payable to the claimant is enhanced to Rs.2,20,000/-.

9. In the light of the above discussions, this Court modifies the compensation in the following manner:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)
1.	Compensation for physical disability	62,000/-	1,00,000/-
2.	Pain and suffering	30,000/-	30,000/-
3.	Extra nourishment expenses	25,000/-	20,000/-
4.	Attender charges	15,000/-	15,000/-
5.	Loss of amenities	30,000/-	25,000/-
6.	Medical expenses	20,000/-	20,000/-



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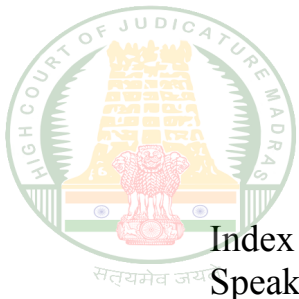
7.	Transport Charges	30,000/-	10,000/-
	Total	Rs.2,10,000/-	Rs.2,20,000/-

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In view of the discussions made earlier, the total compensation awarded by the Tribunal is enhanced to Rs.2,20,000/- as against Rs.2,10,000/- as ordered by the Tribunal. The respondent/ State Transport Corporation is directed to deposit the enhanced award amount of Rs.2,20,000/- together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, after deducting the amount already deposited, if any, to the credit of MCOP.No.458 of 2016 on the file of the Motor Accident Claims Tribunal cum Special District Judge, Dharmapuri, within a period of four weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the award amount by making formal application.

10. Accordingly, this Civil Miscellaneous Appeal is partly allowed.
No costs.

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1.The Motor Accident Claims Tribunal
cum Special District Judge, Dharmapuri

2.The Section Officer

VR Section, High Court, Madras.

S.SOUNTCHAR, J.

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