



C.M.A.No.3308 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3308 of 2025

Surya

.. Appellant/Petitioner

Vs.

The Managing Director,

Tamil Nadu State Transport Corporation (Salem) Ltd.,

12, Ramakrishna Road, Salem,

Regional Office at Bharathipuram,

Dharmapuri

..Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation amount made in the fair order dated 16.08.2024 made in M.C.O.P.No.596 of 2022 on the file of the Motor Vehicles Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, by allowing this Civil Miscellaneous Appeal.

For Appellants : Mr.S.P.Yuvaraj

For Respondent : Mr.D.Nithin

JUDGMENT

Not being satisfied with the Award passed in M.C.O.P.No.596 of 2022 on the file of the Special Subordinate Court (to deal with MCOP cases),

Krishnagiri, the claimant herein has preferred this Civil Miscellaneous Appeal
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for enhancement of compensation.

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2. The claimant herein had filed the claim petition claiming compensation of Rs.15,00,000/- for the injuries suffered by him on account of the road traffic accident that took place on 15.09.2021.

3. The Tribunal upon consideration of the case records and after hearing the arguments advanced by the learned counsels appearing on either side, granted compensation of Rs.4,43,000/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts awarded under various heads are mentioned as follows:-

“For the disability suffered by the claimant, Rs.2,10,000/-, for medical expenses Rs.1,21,400/-, towards pain and sufferings undergone by the claimant Rs.45,000/-, for transportation expenses and for extra nourishment, Rs.10,000/- under each head, for damages to clothes Rs.1,600/-, for loss of amenities and for attender charges Rs.27,000/-, for loss of income during treatment period Rs.18,000/-, in all Rs.4,43,000/-.”

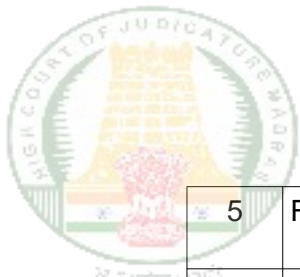
4. It is the evidence of P.W.1 - Surya that he is a load man, earning a sum of Rs.25,000/- per month and he was 18 years of age at the relevant point of time. On account of the accident, he suffered clavicle fracture,



fracture of mandible and he was admitted at Sri Saraswathi Hospital, Krishnagiri as inpatient from 15.09.2021 to 18.09.2021. Thereafter, as per Ex.P2, wherein, open deduction and internal fixation of clavicle was done. After two years, the implant was removed as per Ex.P4 – discharge summary. District Medical Board fixed the disability of the injured as 35%. The Tribunal has granted Rs.6,000/- per percentage. Date of accident is 15.09.2021.

5. In consideration of the aforestated details, functional disability of the claimant is fixed as 32% and a sum of Rs.9000/- per percentage is granted. Towards loss of amenities and attender charges, a sum of Rs.10,000/- is granted in addition to the amount already granted by the Tribunal. Towards loss of income, a sum of Rs.9,000/- is granted in addition to the amount already granted by the Tribunal. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence does not warrant interference by this Court. The amounts awarded as mentioned supra after rework is tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Towards Disability (32% x Rs.9000/-)	Rs.2,10,000/-	Rs.2,88,000/-	Enhanced
2	For Medical Expenses	Rs.1,21,400/-	Rs.1,21,400/-	Confirmed
3	For Pain and Sufferings	Rs.45,000/-	Rs.45,000/-	Confirmed
4	For Transportation Expenses	Rs.10,000/-	Rs.10,000/-	Confirmed



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5	For Extra Nourishment	Rs.10,000/-	Rs.10,000/-	Confirmed
6	For Damages to Cloths	Rs.1,600/-	Rs.1,600/-	Confirmed
7	For Loss of Amenities & Attender Charges	Rs.27,000/-	Rs.37,000/-	Enhanced
8	For Loss of Income	Rs.18,000/-	Rs.27,000/-	Enhanced
	Total	Rs.4,43,000/-	Rs.5,40,000/-	Enhanced

6. Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,43,000/- to Rs.5,40,000/- which would carry interest at the rate of 7.5% per annum from the date of petition (excluding the period of default if any).

7. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs. 4,43,000/- to Rs.5,40,000/-.

(iii) The respondent / Transport Corporation is directed to deposit the enhanced compensation amount now determined by this Court i.e.Rs.5,40,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (excluding the period of default if any) to the credit of M.C.O.P.No.596 of 2022 on the file of Motor Accidents Claims Tribunal / Special Subordinate Judge, Krishnagiri within a period of eight weeks from the date of receipt of a copy of this Judgment.



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(iv) On such deposit being made, the claimant is permitted to withdraw the amount now determined by this Court along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

1. The Motor Accidents Claims Tribunal / Special Subordinate Court,
Krishnagiri
2. The Section Officer,
VR Section,
High Court, Madras.



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R. KALAIMATHI, J.

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