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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3428 of 2024

K. Lavanya

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division,
No.3/137 Salamedu Vazhuthareddy,
Villupuram – 605 602.
Having Branch Office, at Koyambedu Branch
Koyambedu Bus Terminal, Chennai- 107.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in M.C.O.P.No.2343 of 2023 dated 29.07.2024 on the file of the Motor Accidents Claims Tribunal in the II Court of Small Causes, Chennai and pass orders.

For Appellant : Mr.R. Mohan Babu
For Respondent-2 : Mr.S. Santhosh Kumar

JUDGMENT

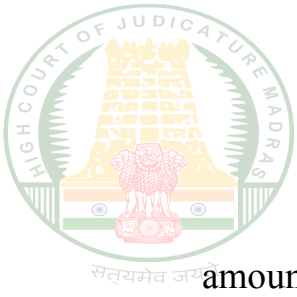


WEB COPY The appellant had filed this appeal to allow the appeal and enhance the compensation in M.C.O.P.No.2343 of 2023 dated 29.07.2024 on the file of the Motor Accidents Claims Tribunal in the II Court of Small Causes, Chennai and pass orders.

2. The brief facts of the case of the appellants/claimants are as follows:

On 27.02.2023 at about 08.50 hours when the appellant was walking in Ponamallee High Road from North to South direction, the driver of the Government bus bearing Reg.No.TN-32-N-4611 came in the West to East direction and drove the bus in the negligent manner and hit the appellant. As a result of which the appellant sustained injuries all over the body. A Criminal case is also registered against the driver of the MTC bus in the Koyambedu Police Station. Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.16,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,21,783/- as compensation, directed the respondent to pay the said



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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.

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

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.5,000/- as monthly income of the injured as he was earning Rs.20,000/- per month at the time of accident. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard Mr.R. Mohan Babu, learned counsel for the appellant and Mr.S.Santhosh Kumar learned counsel for the respondent.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.30,000/- towards pain and sufferings; Rs.30,000 towards loss of amenities; Rs.1,000/- towards Transport to Hospital; Rs.5,000/- towards Extra Nourishment; Rs.5,000/- towards Attender charges; Rs.95,783/- towards Medical Expenses; Rs.1,55,000/- towards Permanent Disability.

9. On going through the amount awarded by the Tribunal, it is seen that 31 % was taken as disability and thereby awarded Rs.5,000/- per percentage and awarded Rs.1,55,000/- under the head Permanent Disability. Considering the disability suffered by the appellant, the same is enhanced to Rs.10,000/- per percentage and thus the total amount comes to Rs.3,10,000/- (Rs.10,000 x 31%). Considering the nature of injuries sustained by the appellant, he would have not gone for job atleast for a period of 3 months. But no amount was awarded under the head loss of income. Hence, Rs.30,000/-(Rs.10,000 x 3) is awarded under the head



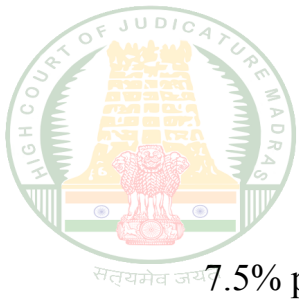
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loss of income. Further the amount awarded under the head Transport to Hospital and Extra nourishment is enhanced to Rs.10,000/- each and attender charges is enhanced to Rs.9,000/-. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Compensation for pain and suffering	Rs.30,000/-	Rs.30,000/-
2.	Loss of amenities and enjoyment of life	Rs.30,000/-	Rs.30,000/-
3.	Transport of Hospital	Rs.10,000/-	Rs.10,000/-
4.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
5	Attender Charges	Rs.5,000/-	Rs.9,000/-
6	Medical Expenses	Rs.95,783/-	Rs.95,783/-
7	Compensation for continuing as Permanent Disability	Rs.1,55,000/-	Rs.3,10,000/-
8	Loss of Income	-Nil-	Rs.30,000/-
	Total	Rs.3,21,783/-	Rs.5,24,783/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.3,21,783/- to Rs.5,24,783/-**, which shall carry interest at the rate of



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7.5% per annum.

11. 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.3,21,783/- to Rs.5,24,783/-**.

iii. The appellant/claimant is directed to pay the Court fee for the 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 Limited, is directed to deposit the enhanced compensation amount, i.e., **Rs.5,24,783/-**, (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.2343 of 2023 on the file of the Motor Accidents Claims Tribunal in the II Court of Small Causes, Chennai** within a period of eight 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.

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vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

01.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accidents Claims Tribunal (In the SPL. Sub Judge – II, Small Causes Court at Chennai)

2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division,
No.3/137 Salamedu Vazhuthareddy,
Villupuram – 605 602.
Having Branch Office, at Koyambedu Branch
Koyambedu Bus Terminal, Chennai- 107.

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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