



C.M.A.No.3068 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.10.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.3068 of 2025

Devendra Singh

... Appellant / Petitioner

vs.

The Managing Director,
Metropolitan Transport Corporation Limited,
No.2, Pallavan House,
Anna Salai, Chennai-600 002.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Award made in M.C.O.P.No.6279 of 2019, dated 26.06.2025 on the file of the Motor Accident Claims Tribunal, Chennai (In the IV Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji

For Respondent : Mr.M.Murali Vinoth

JUDGMENT

Not being satisfied with the Award dated 26.06.2025, passed in



C.M.A.No.3068 of 2025

M.C.O.P.No.6279 of 2019 on the file of Motor Accident Claims Tribunal / IV

Court of Small Causes, Chennai, the claimant herein has preferred this Civil Miscellaneous Appeal for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellant and the learned counsel for the respondent/Transport Corporation.

4. The facts of the case in brief:

On 13.11.2019, at about 06.50 hrs, when the claimant was travelling in the bus bearing Reg.No.TN-01-N-4124, at that time, when the bus stopped at SIET Bus stop, the claimant alighted from the bus. Before getting down, the driver of the bus took the bus in a rash and negligent manner. Due to that the claimant fell down and sustained injuries. The



C.M.A.No.3068 of 2025

driver of the above said respondent Corporation bus, and the Managing

Director of Metropolitan Transport Corporation Ltd., Chennai are liable to pay compensation to the claimant herein.

5. Counter details of the respondent is stated in brief:

The petitioner is put to strict proof of all his allegations made in the claim petition. The claimant, before the bus halted at SIET bus stop attempted to alight from the bus and due to the same, the petitioner fell down and sustained injuries. The accident caused due to the negligent act of the petitioner.

6. At trial, to substantiate the claim details, one witness is examined and fourteen documents were marked. On the side of the respondent, no oral or documentary evidence is led in. Ex.C1 is the disability certificate issued by the Regional Medical Board, Government Royapettah Hospital, Chennai.



C.M.A.No.3068 of 2025

WEB COPY

7. The Tribunal upon consideration of case records and after hearing the arguments advanced by either side, granted compensation of Rs.6,17,400/- and the amounts granted under the different heads are given hereunder:

Sl.No.	DESCRIPTION	AMOUNT
1	For Disability	Rs.4,34,000/-
2	For Loss of Earning during treatment period	Rs. 62,500/-
3	For Pain and Sufferings	Rs. 60,000/-
4	For Transport Charges	Rs. 5,000/-
5	For Extra Nourishment	Rs. 10,000/-
6	For Damages to clothing and articles	Rs. 1,000/-
7	For Attender Charges	Rs. 10,000/-
8	For Loss of amenities	Rs. 25,000/-
9	For Medical Expenses	Rs. 9,859/-
	Total	Rs.6,17,359/-
	Rounded off as	Rs.6,17,400/-

8. The learned counsel for the appellant would strenuously contend



C.M.A.No.3068 of 2025

that 27 year old Cook suffered both bone fracture of both legs. The

Medical Board assessed the disability as 62%. On account of the fracture suffered as mentioned supra, the claimant is not in a position to work as he did before. But, the Tribunal, without appreciating the above said details has granted compensation for the disability based on percentage method which is not correct and for the other heads, the amounts awarded by the Tribunal are not adequate.

9. The learned counsel for the respondent would vehemently argue that the Tribunal in consideration of the oral and documentary evidence of the claimant has granted reasonable compensation and the same does not warrant any interference by this Court.

10. It has come on record through the evidence of PW1 that on account of the accident, the claimant sustained degloving injury over right and left foot and suffered compound Grade-III-B fracture. It appears that



C.M.A.No.3068 of 2025

the bus rolled over on the lower limb of the claimant.

WEB COPY

11. As per Ex.P8 discharge summary, claimant had suffered right ankle, subluxation and isolated comminuted fibula fracture. He was admitted at Royapettah Government Hospital on 13.11.2009 and discharged on 21.11.2019 against Medical advice as per Ex.P8 discharge summary. Thereafter, he was admitted at SMS Medical College Hospital, Jaipur on 27.11.2019 and discharged on 05.12.2019. He underwent surgery on 28.11.2019 and on 01.12.2019. Claimant's photo is marked as Ex.P14. PW1 would state that he is not able to stand, walk and climb up stairs and he is finding difficulty even to attend his normal work. It appears that the claimant is not in a position to firmly stand on his own. When he is not in a position even to stand or walk, it is highly impossible for him to work as Cook as he did before. The Regional Medical Board, Government Royapettah Hospital has issued Disability Certificate and the disability is assessed as 62%. Taking into consideration of the fracture and injuries sustained by the claimant, claimant's functional disability is fixed as 62%.

6/15



C.M.A.No.3068 of 2025

WEB COPY

12. In such circumstances, whether multiplier method has to be invoked for granting loss of future income is to be seen. The Hon'ble Supreme Court has given elaborate guidelines under what circumstances multiplier method may be invoked in injury cases in ***Raj Kumar v. Ajay Kumar*** reported in ***[(2011) 1 SCC 343]***. The principles which are summarised by the Apex Court in the said case are given hereunder:

"(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or



C.M.A.No.3068 of 2025

who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors."

To put it in a nutshell, the Apex Court is of the view that if a person suffers from permanent disability, either partially or totally, after the period of treatment and recuperation, if the disability affects his performance to attend to his duties and bodily functions depending upon the age, work or avocation and the impact and effect of the disability etc, the Court is justified in invoking multiplier method in injury cases.

13. The claimant had appeared before the Regional Medical Board



C.M.A.No.3068 of 2025

on 05.07.2024, almost after five years from the date of accident. Claimant

has suffered heel-pad degloving injury over the left leg and right leg and isolated comminuted fibula fracture of right leg. Due to the nature of injuries and fracture suffered by the claimant, he would find difficulties to do any job that involves standing and walking. In such circumstances, in order to do effective justice, multiplier method is invoked for granting compensation for the disability suffered by the claimant. As per treatment records, age of the claimant is fixed as 32 years at the relevant point of time. Date of accident is 13.11.2019. The claimant would state that he was working as a Cook and earning a sum of Rs.12,500/- per month. No document is filed and marked to substantiate the same. His monthly income is fixed as Rs.12,000/-.

14. As held in ***Smt.Sarla Verma & Ors., v. Delhi Transport Corporation & Another*** reported in ***2009 (2) TN MAC 1 (SC)***, the relevant multiplier to be adopted is 16m. For computing the loss of income, the following formula emerges:

9/15



C.M.A.No.3068 of 2025

Rs.12,000/- X 12 X 16 X 62% = Rs.14,28,480/-.

WEB COPY

15. For transportation charges a sum of Rs.20,000/- is granted in addition to the amount already granted. For Extra Nourishment and Attender Charges, a sum of Rs.10,000/- is granted for each head in addition to the amount already granted by the Tribunal. For loss of amenities, a sum of Rs.10,000/- is granted in addition to the amount already granted by the Tribunal. As regards other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable and does not warrant any interference by this Court. The compensation granted as mentioned supra after rework is tabulated hereunder:

Sl.No.	Description	Amount Awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or not granted
1	For Disability	Rs.4,34,000/-	Rs.14,28,480/-	Enhanced
2	For Loss of Earnings	Rs. 62,500/-	Rs. 62,500/-	Confirmed
3	For Pain and Sufferings	Rs. 60,000/-	Rs. 60,000/-	Confirmed



C.M.A.No.3068 of 2025

4	For Transportation	Rs. 5,000/-	Rs. 25,000/-	Enhanced
5	For Extra Nourishment	Rs. 10,000/-	Rs. 20,000/-	Enhanced
6	For Damages to Clothes and Articles	Rs. 1,000/-	Rs. 1,000/-	Confirmed
7	For Attender Charges	Rs. 10,000/-	Rs. 20,000/-	Enhanced
8	For Loss of Amenities	Rs. 25,000/-	Rs. 35,000/-	Enhanced
9	For Medical Expenses	Rs. 9,859/-	Rs. 9,859/-	Confirmed
	Total	Rs.6,17,359/-	Rs.16,61,839/-	
	Rounded off as	Rs.6,17,400/-	Rs.16,62,000/-	

16. Thus, the compensation awarded by the Tribunal is enhanced from Rs.6,17,400/- to **Rs.16,62,000/-** which would carry interest at the rate of 7.5% per annum (**excluding the period of default, if any**).

17. In the result,

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



C.M.A.No.3068 of 2025

(ii) The Compensation awarded by the Tribunal is enhanced

from Rs.6,17,400/- to Rs.16,62,000/-.

(iii) The respondent / Transport Corporation is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.16,62,000/-** (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.6279 of 2019 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is at liberty to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimant is directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the enhanced compensation amount upon production of the certified copy showing proof of payment of Court fee by



the claimant.

WEB COPY



C.M.A.No.3068 of 2025

31.10.2025

Index : Yes/No

Speaking / Non-speaking order

ssn

To:

1. The Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.

2. The Section Officer,
V.R.Section,
High Court, Madras.



WEB COPY



C.M.A.No.3068 of 2025

R.KALAIMATHI, J.,

ssn



WEB COPY



C.M.A.No.3068 of 2025

C.M.A.No.3068 of 2025

31.10.2025