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CMA No. 3049 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

CMA No. 3049 of 2025

R. Russell Joseph Jones

... Appellant

vs

The Managing Director,
Metropolitan Transport Corporation
Ltd.,
Pallavan House Anna Salai,
Chennai 600 002.

... Respondent

PRAYER:

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act against the order made in MCOP.No.3392 of 2020 dated 18.07.2025 on the file of the Motor Accident claims Tribunal, Chennai/ I Special Court, Small causes Court, Chennai

For Appellant : Mr. K. Balaji

For Respondent : Mr. Murali Vinoth



JUDGMENT

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By consent of both parties, the appeal is heard and disposed of at the stage of admission itself.

2. The claimant herein has preferred the Civil Miscellaneous Appeal against the Award dated 18.07.2025 passed in MCOP.No.3392 of 2020 on the file of Motor Accidents Claims Tribunal, Special Court No.1, Small Causes Court, Chennai for enhancement of compensation.

3. The parties are indicated herein as per their litigative status and ranking before the Claims Tribunal.

4. The facts leading to filing of the present Civil Miscellaneous Appeal is as follows:

(i) On 22.10.2020 at 09.45 a.m., while the petitioner was proceeding in College Road, Nungambakkam in his motor cycle bearing Regn.No.TN-01-BB-5747, a bus belonging to Metropolitan Transport Corporation Ltd., bearing Regn.No.TN-01-AN-0840, driven by its driver in a rash and negligent manner, which was coming behind the two wheeler, hit against the two wheeler. Due to



which, the petitioner sustained fracture on his legs and degloving injuries and multiple injuries all over the body.

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(ii) The respondent is the owner of the bus driven by its driver.

(iii) Since the accident occurred only due to the rash and negligent driving of the driver of Transport Corporation, respondent-owner of the offending vehicle is vicariously and statutorily liable to pay compensation to the claimant.

(iv) Hence, the claimant made a claim petition before the Motor Accident claims Tribunal / I Special Court, Small Causes Court, Chennai in M.C.O.P.No.3392 of 2020 claiming compensation of Rs.17,00,000/- against the respondent stating that at the time of accident, the deceased was aged 44 years and was working as a godown keeper and was earning Rs.12,460/- per month. Due to the accident, the claimant was unable to do any normal work as before.

(v) Refuting the averments made in the claim petition, counter was filed by the Transport Corporation denying that the accident occurred due to the rash driving of the driver of the Transport Corporation, but it occurred due to



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the careless driving of the two wheeler driven by the appellant when he attempts to overtake the bus. It also denied the income of the claimant, nature of injuries, period of treatment, disability sustained by the deceased, possession of valid driving licence by the claimant. It would further aver that the claimant, did not wear helmet and invited the accident.

(vi) At trial, on the side of the claimant, one witness was examined and fourteen documents were marked. On the respondent's side, one witness was examined and one document was marked. Apart from that Ex.X.1 and Ex.C.1 were also marked.

(vii) The Tribunal, on appreciation of oral and documentary evidence and after hearing the arguments advanced by either side counsels, awarded compensation of Rs.2,52,000/- with proportionate costs payable by the respondent to the claimant along with 7.5% interest p.a., from the date of petition.

(viii) The compensation awarded by the Tribunal to the claimants under various heads is as follows;



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<i>Heads</i>	<i>Compensation awarded by the Tribunal (Rs.)</i>
For medical treatment and medical expenses	Rs. 1,000/-
For Transportation expenses	Rs. 10,000/-
For extra nourishment	Rs. 10,000/-
For attendant charges	Rs. 10,000
For the disability suffered	Rs. 1,70,000/-
For Partial loss of income	Rs. 36,000/-
For pain and sufferings	Rs. 15,000/-
Total	Rs. 2,52,000/-

5. Aggrieved by the compensation awarded by the Tribunal, the claimant has preferred the present Civil Miscellaneous Appeal.

6. Learned counsel for the appellant would contend that the appellant was working as a godown keeper in a private company and was earning a sum of Rs.12,460/- per month. Due to the accident, he had sustained fracture on his left leg on both bones and degloving injury over the right leg. The Medical Board assessed the disability of the appellant at 34 %, however the Tribunal by granting meagre amount of Rs.5000/- per percentage of disability, awarded Rs.1,70,000/- towards Permanent loss of income. Due to disability



suffered and the same is inadequate. He would further submit that the

Tribunal fixed the notional income of the appellant at Rs.12,000/- which is

also less. He further submitted that the compensation awarded to the appellant under other heads were also on the lower side. Thus, he sought for enhancement of compensation as regards the other heads also.

7. Learned counsel for the respondent would strenuously argue that the appellant has claimed to be working as a godown keeper and was earning a sum of Rs.12,460/- per month as stated in the claim petition. In such circumstances, fixing of notional income at Rs.12,000/- per month by the tribunal cannot be found fault with. He further submitted that the amounts awarded under various heads also appears to be reasonable and acceptable, therefore, the same needs no interference by this Court.

8. Heard both sides and perused the materials available on record.

9. The manner in which the accident occurred is not in dispute.

10. It is the evidence of PW1 that on account of the accident, he suffered fracture of his both bones of his left leg and he was admitted at Govt.



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Stanley Medical College and Hospital on 22.10.2020 and got discharged on

27.11.2020. Perusal of Ex.P.5 -Discharge summary would reveal that in

hospital, he was diagnosed with fracture of left both bone leg with PTR A –

Right Leg and in the course of treatment, the following procedures were done

to him (i) Wound Debridement right leg (ii) CRIF with IMIL Nailing (9 * 32 cm)

wound debridement right leg. The medical treatment records are marked

Ex.P.2, P.5 , P11 and P12. The Special Medical Board of Rajiv Gandhi

Government General Hospital, Chennai has assessed the disability of the

appellant at 34%. PW1 had deposed that he was working as godown keeper

at M/s Foot Step , Pantheon Road, Egmore and no document was marked to

substantiate the said details. Considering the above, the

Tribunal fixed the income of the appellant at Rs.12,000/- and the same

appears to be acceptable and reasonable.

11. PW1 would also depose that because of the injuries and the fracture sustained by him over his two legs, he is facing difficulty to sit, stand, walk, run and climbing up stairs etc. He would also state that he is not in a position to work as a godown keeper as he did before. It is a common knowledge that as a godown keeper, he has to lift packages.



12. In consideration of the fracture and injuries suffered by the claimant, for transportation charges and for extra nourishment, a sum of Rs.30,000/- is awarded under each head, instead of Rs.10,000/-. For pain and sufferings, an amount of Rs.25,000/- is granted in addition to the amount already granted by the Tribunal.

13. The claimant had suffered both bone fracture by left leg and degloving injury over right leg below the knee. It is the evidence of PW1 that due to the fracture and injuries suffered for both legs, he is not in a position to work as he did before. Under what circumstances, the multiplier method may be invoked in injury cases is dealt with by the Apex Court in **Raj Kumar vs Ajay Kumar** reported in **[(2011) 1 SCC 343]**. The principles which are summarized by the Apex Court in the said case is 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 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."

14. The claimant was 44 years old. As per the medical records, his age is fixed as 43 years (ExP.2, P5, P11). He had sustained both bone fracture over left leg and degloving injury over the right leg. His contention is to the effect that due to the injuries sustained, it is not possible for him to work as he did before. Taking into account the abovesaid details, his functional disability is fixed as 32%. In order to meet the ends of justice and in consideration of the abovesaid injuries and the fracture suffered by the claimant, multiplier method is adopted in computing the loss of income. Therefore, for computing loss of income, the following formula emerges:

$$\text{Rs.12000} \times 12 \times 14\text{m} \times 32\% = \text{Rs. 6,45,120/-}$$

Thus, this Court awards Rs.6,45,120/- towards loss of income due to disability.



15. As regards other heads, such as medical expenses and attendant charges, the amounts awarded by the tribunal appears to be reasonable and acceptable and hence, the same does not warrant any interference by this Court. Regarding pain and sufferings, a sum of Rs.25,000/- is granted in addition to the amount awarded by the tribunal. Apart from that, this court awards Rs.25,000/- towards loss of amenities. The amounts awarded as mentioned supra after rework is tabulated hereunder:

Heads	Compensation awarded by the Tribunal (Rs.)	Compensation awarded by this Court	
1. Loss of income due to disability	Rs.1,70,000	Rs.6,45,120	enhanced
2.for loss of income during treatment period	Rs. 36,000	Rs. 36,000/-	confirmed
3. for medical expenses	Rs.1000/-	Rs. 1000/-	confirmed
4.for transportation expenses	Rs.10,000/-	Rs. 30,000/-	enhanced
5. for extra nourishment	Rs.10,000/	Rs. 30,000	enhanced
6. for attendant charges	Rs.10,000/	Rs. 10,000/-	confirmed
7.for pain and sufferings	Rs.15,000/	Rs. 40,000/-	enhanced
8. for loss of amenities	---	Rs. 25,000/-	granted)
Total	Rs.2,52,000	Rs. 8,17,120	enhanced

Rounded off to Rs.8,17,000/-



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16. Thus, this court awards **Rs.8,17,000/-** towards compensation for the claimant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

17. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from **Rs. 2,52,000/-** to **Rs.8,17,000/-**.
- The respondent is directed to deposit the enhanced compensation of **Rs.8,17,000/-** awarded by this Court to the credit of MCOP.No.3392 of 2020 on the file of Motor Accident claims Tribunal, Chennai (I Special court, Small Causes Court, Chennai) along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.
- On such deposit, the appellant/ claimant is at liberty to withdraw the award amount along with interest and costs, after adjusting the amount, if any already withdrawn, by filing application before the Tribunal.
- The appellant/claimant is directed to pay the court fee for the



enhanced compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the claimants/appellants.

msr

14.11.2025

Index:Yes/No

Internet:Yes

To

The Motor Accident Claims Tribunal,
Chennai (I Special Court, Small
Causes Court, Chennai)



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R.KALAIMATHI J.

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