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CMA No. 192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

C.M.A. No. 192 of 2025

C.Veerabadiran
S/o.Chinnaraj, No.3/145, Sajjalahalli Village,
A-Papparapatti Post, Pennagaram Tk, Dharmapuri
District-636809

..Appellant(s)

Vs

The Managing Director
Metropolitan Transport Corporation, Pallavan
House, Anna Salai, Chennai-600002

..Respondent(s)

PRAYER: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award of the Motor Accidents Claims Tribunal Special Sub Court No.II, Small Causes Court, Chennai and made in M.C.O.P. No.6310 of 2017 dated 05.01.2024 paying to enhance the award amount.

For Appellant(s): Ms. P.T.Saleem Fathima

For Respondent(s): Mr. M.Murali Vinodh, Standing Counsel



JUDGMENT

(Judgment of the Court was delivered by K.RAJASEKAR, J.)

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The appellant herein, who is the claimant before the Tribunal, has filed the present Civil Miscellaneous Appeal seeking enhancement of the compensation awarded in M.C.O.P.No.6310 of 2017, dated 05.01.2024.

2. The case of the appellant/claimant is that on 19.07.2017 at about 20.30 hours, while he was riding his motorcycle bearing Reg.No.TN 83 W 2163 on Porur - Kundrathur Main Road, near Mahadanapuram Shanthi Nikethan Apartment, from north to south, a bus belonging to the respondent Transport Corporation bearing Reg.No.TN 01 N 9104, driven by its driver in a rash and negligent manner, came in the opposite direction and dashed against the motorcycle. As a result of the impact, the claimant was thrown off the motorcycle and sustained grievous injuries. He was admitted to the hospital and underwent treatment for nearly 153 days. Thereafter, he filed a claim petition seeking compensation of Rs.1,00,00,000/- by invoking Section 166 of the Motor Vehicles Act, 1988.



3. The respondent Transport Corporation contested the claim petition and disputed the allegation of negligence attributed to the driver of the bus, as well as the nature of injuries, loss of income, and the quantum of compensation claimed under various heads.

4. Before the Tribunal, the claimant examined himself as P.W.1 and marked documents as Ex.P1 to Ex.P19. On the side of the respondent, the Traffic Inspector was examined as R.W.1 and no documents were marked.

5. The Tribunal, upon considering the evidence on record and the issue of negligence, held that the accident occurred due to the rash and negligent driving of the bus driver and consequently held the respondent liable to pay compensation. The Tribunal awarded a total compensation of Rs.18,10,000/- with interest. Aggrieved by the quantum of compensation, the claimant has preferred the present appeal seeking enhancement.

6. The learned counsel for the appellant submitted that the claimant sustained grievous injuries affecting vital parts of the body, resulting in permanent disability which has caused loss of earning capacity to the extent of 100%. It was further submitted that the claimant is an Engineering graduate and



that the monthly income fixed by the Tribunal is on the lower side. It was also contended that the Tribunal failed to award compensation towards future medical expenses and loss of marital life.

7. The learned counsel relied upon the discharge summaries, medical records and the opinion of the Medical Board to substantiate that the injuries sustained by the claimant resulted in substantial loss of earning capacity.

8. Per contra, the learned counsel for the respondent Transport Corporation submitted that the Tribunal, after considering the relevant materials, particularly the medical records, rightly fixed the loss of earning capacity at 52% and awarded reasonable compensation. Hence, there is no valid ground to enhance the compensation and the award passed by the Tribunal may be confirmed.

9. We have heard the learned counsel appearing on either side and perused the materials available on record.



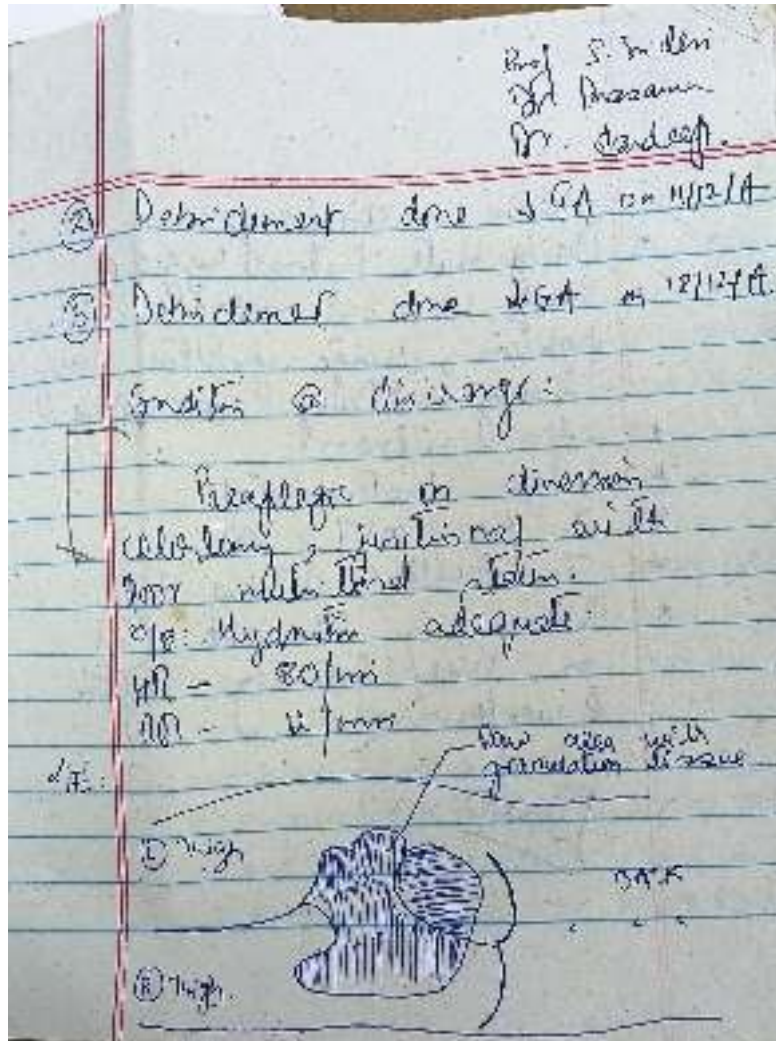
10. The major component of compensation claimed by the claimant is under the head of loss of earning capacity. Ex.P2 - Accident Register, Exs.P5, P6, P7 and P8 – Discharge Summary and also Ex.C1 – Disability Certificate reveal that the claimant sustained blunt abdominal injury, bladder injury, retroperitoneal hematoma, perineal injury, unstable pelvic fracture and fracture of both bones of the left forearm.

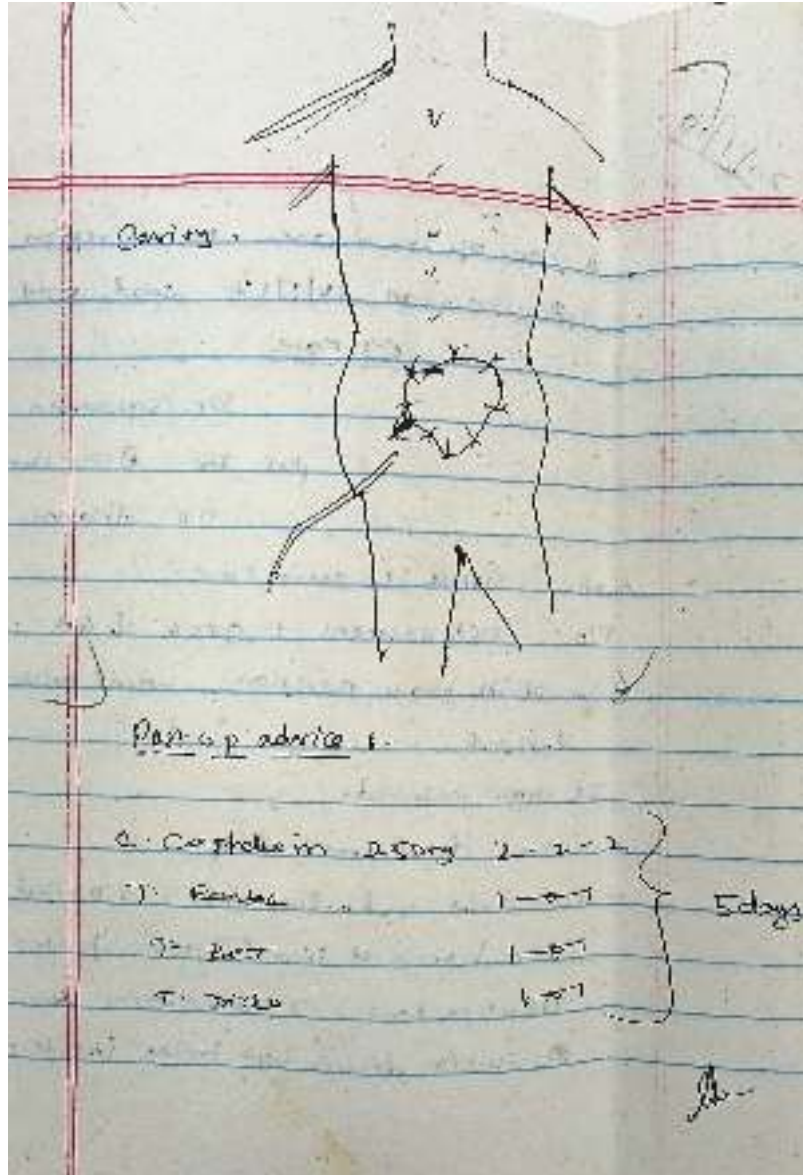
11. Though the claimant initially underwent treatment in a private hospital from 19.07.2017 to 24.07.2017, he was later shifted to Rajiv Gandhi Government Hospital, Chennai, where he underwent treatment in two spells from 24.07.2017 to 16.10.2017 and 08.11.2017 to 21.12.2017. Subsequently, he was admitted to MIOT Hospital, Chennai, and underwent treatment in three spells from 19.03.2018 to 28.03.2018, 27.06.2018 to 04.07.2018 and 19.10.2018 to 20.10.2018.

12. The Medical Board assessed the disability of the claimant at 52% and categorized it as functional disability. While applying the principles laid down by the Hon'ble Supreme Court in the case of ***Rajkumar Vs. Ajaykumar reported in 2011 ACJ 1 (SC)***, it is evident that the injuries sustained by the claimant have affected vital organs and resulted in long-term complications



such as *pelvic fracture associated urethral distraction defect – on supra pubic cystostomy, complete perineal tear, status post diversion colostomy* and further, it is also recorded in the treatment book as follows:-





13. The medical records further indicate that the claimant continues to suffer from complications affecting vital functions and has not returned to his normal physical condition. It is also evident that he is unable to engage in physical labour or perform technical work as he did prior to the accident. Considering the nature of injuries, the age of the claimant and long-term impact on his livelihood, this Court is of the view that the disability has resulted in loss of earning capacity to the extent of 100%.



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14. The Tribunal fixed the notional income of the claimant at Rs.9,000/- per month, which appears to be on the lower side, particularly in view of the fact that the claimant is an Engineering graduate and considering the year of accident, this Court deems it appropriate to fix the notional income at Rs.17,000/- per month. Adding 40% towards future prospects, a sum of Rs.6,800/- ($\text{Rs.17,000} \times 40/100 = \text{Rs.6,800/-}$) is added, making the monthly income Rs.23,800/-. Applying the multiplier of '16' considering that the claimant was aged 32 years at the time of the accident, the loss of earning capacity is calculated as follows:-

$$\text{Rs.23,800/-} \times 12 \times 16 = \text{Rs.45,69,600/-}$$

15. With regard to other heads, this Court finds that the amounts awarded by the Tribunal are reasonable and in accordance with the settled principles of law, except under the head of loss of amenities. Hence, the amount awarded under the head of loss of amenities is enhanced from Rs.25,000/- to Rs.75,000/-.

16. Further, the records indicate that the claimant requires further treatment. Therefore, a sum of Rs.50,000/- is awarded towards future medical expenses. Considering the nature of injuries and the resulting impact on the



personal life of the claimant, a sum of Rs.75,000/- is awarded towards loss of marital cohabitation.

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17. Accordingly, the compensation is modified by this Court as follows:-

<i>Heads</i>	<i>Amount (Rs.)</i>
Loss of earning capacity	45,69,600/-
Pain and Suffering	2,00,000/-
Loss of Income	54,000/-
Medical Expenses	1,51,500/-
Attendant Charges	76,500/-
Transportation	20,000/-
Loss of Amenities	75,000/-
Extra Nourishment	25,000/-
Future Treatment	50,000/-
Loss of marital life	Rs.75,000/-
Total	52,96,600/-

18. In the result, this Civil Miscellaneous Appeal is partly allowed. The respondent/Metropolitan Transport Corporation is directed to deposit the entire compensation amount of ***Rs.52,96,600/- (Rupees Fifty Two Lakhs Ninety Six Thousand and Six Hundred only)***, together with interest and costs, as awarded by the Claims Tribunal, after deducting the amount already deposited, if any, within a period of four (4) weeks, from the date of receipt of a copy of this judgment.



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19. On such deposit being made, the appellant/claimant is permitted to withdraw the award amount along with proportionate interest and costs, after deducting the amount already withdrawn, if any. There shall be no order as to costs.

(C.V.K., J.) (K.R.S., J.)

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Asi

To

The Managing Director,
Metropolitan Transport Corporation,
Pallavan House,
Anna Salai, Chennai-600002.



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