



WEB COPY



C.M.A.No.244 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 244 of 2026

Zaheer Hussai @ Jageer Hussai

...Appellant

Vs.

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

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to allow the Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree, dated 30.07.2025 passed in MCOP No.5057 of 2015 on the file of the Motor Accident Claims Tribunal (in the IV Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji

For Respondent : Mr.M.Murali Vinodh

JUDGMENT

This appeal has been filed under Section 173 of Motor Vehicles Act by the appellant/claimant seeking enhancement of the compensation awarded in



C.M.A.No.244 of 2026

M.C.O.P. No.5057 of 2015 on the file of the Motor Accident Claims Tribunal,
(IV Court of Small Causes), Chennai.

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

On 26.02.2015, at about 8.45 hours, the petitioner was travelling in the MTC bus bearing Registration No.TN-01-N-7306, and when the bus reached near Pallavaram Goat Shatter, due to the negligent driving of the driver of the bus, the petitioner fell from the rear side of the bus and sustained grievous injuries. The accident occurred only due to the rash and negligent driving of the driver of the bus. FIR was registered against the driver of the bus.

3. The claimant filed the above MCOP claiming compensation of Rs.8,00,000/- for the injuries sustained in the said accident. The Claims Tribunal framed the necessary issues and, upon appreciation of the oral and documentary evidence, came to the conclusion that the accident occurred as alleged and that the claimant is entitled to compensation. However, the Tribunal awarded only a sum of Rs.1,61,500/-, which is inadequate.



C.M.A.No.244 of 2026

4. Aggrieved over the same, the present Civil Miscellaneous Appeal has been preferred by the appellant/claimant seeking enhancement.

5. The learned counsel appearing for the appellant/claimant would contend that the Tribunal erred in awarding a meagre sum of Rs.1,61,500/- towards pecuniary loss as against the claim of Rs.8,00,000/-, without properly appreciating the fact that the appellant had sustained permanent functional disability due to the injuries and had consequently suffered loss of future earning prospects. The appellant sustained grievous injuries, including a fracture of the right humerus, and underwent surgery and was treated as an inpatient for 21 days at Rajiv Gandhi Government General Hospital, Chennai. Though the Medical Board assessed the disability at 14%, the Tribunal mechanically adopted the same and fixed Rs.4,000/- per percentage, which is inadequate. Further, the Tribunal erroneously fixed the notional monthly income at Rs.9,500/- despite evidence that the appellant was working as a daily wage worker and earning Rs.16,000/- per month. Therefore, the fixation of income and the compensation awarded towards disability warrant enhancement. Further, the Tribunal awarded only Rs.2,000/- towards transportation, Rs.12,000/- towards extra nourishment, Rs.20,000/- towards pain and suffering, Rs.3,000/- towards attender charges and Rs.15,000/- loss of

3/8



C.M.A.No.244 of 2026

amenities, which are insufficient, especially, considering the fact that the appellant, aged about 17 years at the time of accident, sustained grievous injuries and underwent inpatient treatment for 21 days at Rajiv Gandhi Government General Hospital, Chennai. Hence, he prayed for enhancement of compensation awarded by the Claims Tribunal.

6. Per contra, the learned counsel for the respondent/Transport Corporation submitted that the Tribunal, upon considering the materials available on record, has awarded 'just compensation' which requires no interference by this Court. However, he did not raise any objection to accepting the Payment advice now produced by the claimant.

7. Considering the nature of injuries sustained by the appellant, his age, period of treatment and other attending circumstances, this Court is inclined to re-assess the compensation and award a sum of Rs.70,000/- (Rs.5,000 * 14%) towards disability ; a sum of Rs.78,000/- towards loss of income by fixing a notional monthly income at Rs.13,000/- per month ; a sum of Rs.20,000/- towards transportation; a sum of Rs.30,000/- towards extra nourishment ; a sum of Rs.50,000/- towards pain and sufferings ; a sum of Rs.20,000/- towards



C.M.A.No.244 of 2026

attender charges ; and a sum of Rs.25,000/- towards loss of amenities. Insofar as the amounts awarded by the Tribunal under the heads of medical expenses and damages are concerned, this Court finds the same to be reasonable and proper and hence, they are not modified.

8.The following tabular column shows the compensation awarded by the Tribunal and the enhanced compensation awarded by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Disability	(Rs.4,000 * 14%) 56,000/-	(Rs.5,000 * 14%) 70,000/-	Enhanced
2.	Income	(Rs.9,500 * 5 months) 47,500/-	(Rs.13,000*6 months) 78,000/-	Enhanced
3.	Medical expenses	5,000/-	5,000/-	Confirmed
4.	Transportation	2,000/-	20,000/-	Enhanced
5.	Extra Nourishment	12,000/-	30,000/-	Enhanced
6.	Damages to clothing and articles	1,000/-	1,000/-	Confirmed
7.	Pain and sufferings	20,000/-	50,000/-	Enhanced
8.	Attender Charges	3,000/-	20,000/-	Enhanced
9.	Loss of amenities	15,000/-	25,000/-	Enhanced
	Total	1,61,500/-	2,99,000/-	Enhanced by Rs.1,37,500/-



C.M.A.No.244 of 2026

WEB COPY 9. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.2,99,000/- from Rs.1,61,500/-.
- iii. The appellant / claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional Court fee.
- iv. The respondent / Transport Corporation is directed to deposit the enhanced compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P. No.5057 of 2015 on the file of the Motor Accident Claims Tribunal, (IV Court of Small Causes), Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.
- v. The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.



C.M.A.No.244 of 2026

vi. On such deposit being made, the appellant/claimant is at liberty to

WEB COPY

withdraw the same, after following due process of law.

13.02.2026

Lpp

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

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

2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.No.244 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

Lpp

C.M.A.No. 244 of 2026

13.02.2026