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C.M.A No. 1425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.1425 of 2024

A. Arputham

... Appellant

Versus

**The Managing Director,
Metropolitan Transport Corporation,
Anna Salai,
Chennai – 600 0021.**

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No. 3037 of 2014, dated 14.11.2022, on the file of the Motor Accidents Claims Tribunal, Special Sub Court No. 1, Small Causes Court, Chennai.

For Appellant : Ms. N. Lavanya for M. Malar

For Respondent : Mr. A. Vinothraj

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award dated 14.11.2022 in M.C.O.P.No. 3037 of 2014 on the file of the Motor Accidents Claims



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Tribunal, Special Sub Court No. 1, Small Causes Court, Chennai.

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2. Briefly stated, on 28.04.2014 at about 12.15 pm the petitioner was traveling as a passenger in MTC bus bearing Reg. No. TN-01-N-4927 feet No. KNI 826 Route No 11 H Arcot road, Allwar Thirunagar, Mega Mart bus stop. The bus was driven by its driver in a rash and negligent manner endangering the public safety and hit behind the another standing MTC bus bearing Reg. No. TN-01-N-9266. Due to the accident the petitioner sustained multiple grievous injuries all over the body. The driver of the respondent vehicle was responsible for the accident. The respondent is the owner of the bus bearing Reg. No. TN-01-N-4927 is statutorily and vicariously liable to pay the compensation to the petitioner with interest and cost. Hence, he filed claim petition for a compensation of Rs.12,00,000/-.

3. The learned counsel for the Respondent/Corporation has submitted that the respondent Bus at about 12.20 was plying in the Arcot Road, driven in a cautious manner saw the MTC parked on the left side of the road. The bus driver seeing that the people from the MTC bus were alighting and were crossing the road without minding the bus, the driver sounded horn and reduced the speed of the bus, intending to stop the bus, but when he saw an unknown auto rickshaw coming at a great speed in the opposite direction driven in a zigzag manner, the driver applied the brake and turned the bus in order to avoid hitting the auto rickshaw, but he could not control his



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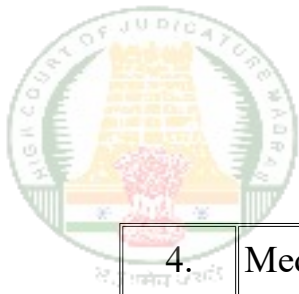
balance, causing him to hit the bus parked in front, in which the petitioner was traveling. The petitioner was admitted at Ramachandra Hospital and then to Government General Hospital, on humanitarian basis by the crew members of the offending bus. Therefore, respondent is not liable for payment of any compensation to the appellant.

4. Heard both sides. Records perused.

5. Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this court deems it fit to enhance disability, extra nourishment, attender charges, loss of earning and loss of amenities to Rs. 60,000/-, Rs.10,000/-, Rs.1,000/-, Rs.10,000/- and Rs. 15,000/- respectively.

6. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability	20,000	60,000 (15 x 4000)	Enhanced
2.	Pain and Suffering	20,000	20,000	Confirmed
3.	Transportation	4,000	4,000	Confirmed



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4.	Medical Expenses	1,000	1,000	Confirmed
5.	Extra Nourishment	8,000	10,000	Enhanced
6.	Attender Charges	600	1,000	Enhanced
7.	Loss of Earnings	9,000	10,000	Enhanced
8.	Loss of Amenities	10,000	15,000	Enhanced
	TOTAL	72,600	1,21,000/-	Enhanced by 48,400/-

7. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.1,21,000/-

(ii) The appellant/claimant is directed to pay Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

(iii) The respondent/Transport Corporation is directed to deposit the enhanced compensation amount of Rs.1,21,000/- (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. 3037 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No. 1, Small Causes Court, Chennai. within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(iv) The appellant/claimant is not entitled for any interest for the default



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period in filing the above appeal.

WEB COPY (iv) On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

06.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The Special Sub Judge No. 1,
Small Causes Court, Chennai.
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

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