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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2005 of 2024

CNR: {HCMA010848352024}

S.Divya

Case QR

..Appellant(s)

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Regional Office Dharmapuri District,
No.12, Ramakrishna Road,
Salem-7.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 11.11.2022 made in M.C.O.P.No.432 of 2021 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Dharmapuri.

For Appellant(s): Mr.D.Rameshkumar

For Respondent(s): Mr.D.Nitin

J U D G M E N T

The appellant/claimant has filed this Civil Miscellaneous Appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Special Sub-ordinate Court, Dharmapuri, in M.C.O.P.No.432 of 2021, vide award dated 11.11.2022.

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2. According to the claimant, on 03.04.2021 at about 11.15 a.m., when the appellant/claimant was riding her bicycle in Palacode to Hosur road, near Kodiyur bus stand, a bus bearing Reg.No.TN 29 N 2733 belonging to the respondent Transport Corporation came from back side and was driven by its driver in a rash and negligent manner and dashed against the claimant, due to which, she sustained grievous injuries all over the body.

3. The respondent/Transport Corporation has filed a counter statement denying the manner of accident.

4. On behalf of the claimant, the claimant herself was examined as P.W.1 and Ex.P1 to Ex.P15 were marked and on the side of the respondent, no witness was examined and no document was marked.

6. On appreciation of evidence adduced on either side, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the respondent Transport Corporation. With regard to the quantum of compensation, the claimant has appeared before the Medical Board and the Medical Board has assessed 5% of disability and issued Disability Certificate which was marked as Ex.P5. Considering the date of accident, the Tribunal has fixed a sum of Rs.5,000/- for each percentage of disability and thereby, a sum of

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Rs.25,000/- was awarded under the head of disability and the following compensation was also awarded by the Tribunal under various heads:-

Sl.No.	Heads	Amount
1	Disability	Rs.25,000/-
2	Pain and suffering	Rs.10,000/-
3	Nourishment	Rs.5,000/-
4	Medical Bills	Rs.23,097/-
5	Transport charges	Rs.5,000/-
6	Attender charges	Rs.5,000/-
7	Loss on clothing	Rs.1,000/-
	Total	Rs.74,097/-

7. Aggrieved over the same, the claimant/appellant has preferred this Civil Miscellaneous Appeal seeking enhancement of compensation.

8. The learned counsel appearing for the appellant/claimant would submit that the accident took place in the year 2021, however, a sum of Rs.5,000/- was fixed for each percentage of disability which appears to be meager and the same has to be enhanced. The compensation awarded by the Tribunal under the other heads, namely, pain and suffering, extra-nourishment and attender charges is also very meager and the same has to be enhanced.

9. Per contra, the learned counsel appearing for the respondent/Transport Corporation would submit that on appreciation of evidence adduced on either

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side, considering the nature of injuries sustained by the claimant, the Tribunal has rightly fixed a sum of Rs.5,000/- for each percentage of disability and the compensation awarded under the other heads is also proper and reasonable which does not require any interference by this Court.

10. This Court considered the rival submissions made on either side and perused the materials available on record.

11. There is no dispute with regard to the manner of accident and the negligence fixed on the part of the driver of the respondent Transport Corporation. The grievance of the appellant is with regard to the quantum of compensation awarded by the Tribunal. It is relevant to note that at the time of accident, the appellant was aged about 17 years and she was a student. In order to assess the disability, the appellant has appeared before the Medical Board and the Medical Board has also assessed the disability of the appellant as 5% and issued Disability Certificate which was marked as Ex.P15. In Ex.P15/Disability Certificate, there is no mention about functional disability by the Medical Board and in the absence of functional disability, the Tribunal has adopted the percentage method and awarded compensation under the head of disability. It is relevant to note that the accident took place in the year 2021 and fixing a sum of Rs.5,000/- for each percentage of disability appears to be meager. Hence, considering the cost of inflation at the time of accident, this Court is inclined to

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fix a sum of Rs.9,000/- for each percentage of disability and thereby, a sum of Rs.45,000/- (Rs.9,000/- * 5%) is awarded under the head of disability. The compensation awarded under the heads of pain and sufferings and nourishment also appears to be meager and the same is enhanced to Rs.25,000/- and Rs.10,000/-. The compensation awarded under the other heads, namely, medical bills, transport charges, attender charges and loss on clothing appears to be just and proper and it does not require any interference by this Court. Accordingly, the compensation awarded by the Tribunal is modified as hereunder:-

S.No	***Head of Compensation***	***Amount awarded by the Tribunal (Rs)***	***Amount awarded by this Court (Rs)***
1.	Disability	Rs.25,000/-	**Rs.45,000/-**
2.	Pain and suffering	Rs.10,000/-	**Rs.25,000/-**
3.	Nourishment	Rs.5,000/-	**Rs.10,000/-**
4.	Medical bills	Rs.23,097/-	Rs.23,097/-
5.	Transport charges	Rs.5,000/-	Rs.5,000/-
6.	Attender charges	Rs.5,000/-	Rs.5,000/-
7	Loss on clothing	Rs.1,000/-	Rs.1,000/-
	Total	Rs.74,097/-	**Rs.1,14,097/-**

12. In the result, this Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal at Rs.74,097/- is hereby enhanced to **Rs.1,14,097/-** together with interest @ 7.5% per annum from the date of filing

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of claim petition till the date of deposit. The respondent/Transport Corporation is directed to deposit the entire award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.432 of 2021 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Dharmapuri. On such deposit, the appellant is permitted to withdraw the award amount now determined by this Court, along with interest and costs, less the amount, if any, already withdrawn, by making proper application before the Tribunal. However, it is made clear that the appellant is not entitled for interest for the period of delay of 446 days as was ordered by this Court in C.M.P.No.10734 of 2024 vide order dated 09.07.2024. The appellant is directed to pay the necessary Court fee, if any, on the enhanced compensation. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal. There shall be no order as to costs.

10-11-2026

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

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To

1. The Motor Accident Claims Tribunal, Special Subordinate Court,
Dharmapuri.

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

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M.JOTHIRAMAN, J.

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