



C.M.A.Nos.3173 & 3174 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.02.2026

Pronounced on : 24.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos.3173 and 3174 of 2025

G. Ravichandran (since died)

1. Sumathi, R.

2. Vijayalakshmi, R.

3. Sowndhariya, R.

Ambika (died)

...Appellants in C.M.A. No.3173/2025

Cause title accepted vide Court order dated 13.06.2025 made in
CMP No.12923/25 in CMA Sr. No.67586/2024

T. Purushothaman

...Appellant in C.M.A. No.3174/2025

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division I) Limited,
Railway Station New Road,
Kumbakonam 612 001

...Respondent in both the appeals

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act,1988, against the Common Award dated 18.02.2022 made in M.C.O.P. Nos.3970 and 3969 of 2014 on the file of the
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Motor Accident Claims Tribunal, Cuddalore (in the Court of I Additional Sub Judge, Cuddalore).

Appearance in both the appeals

For Appellant : Mr.F. Terry Chella Raja
For Respondent : No appearance

COMMON JUDGMENT

These appeals, under Section 173 of Motor Vehicles Act, have been filed by the appellant/petitioner for enhancement of the sum awarded in the Common Award dated 18.02.2022 made in M.C.O.P. Nos.3970 and 3969 of 2014 on the file of the I Additional Sub Judge, Motor Accident Claims Tribunal, Cuddalore.

2. For the sake of convenience, the parties are referred to as per their ranking in the Tribunal.

3. Shortly stated, on 14.08.2014, at about 1.45 a.m, when the appellant / petitioner in both the MCOPs were travelling in the respondent Bus bearing Registration No. TN-68-N-0633, near Azhangal bridge, the driver of the bus drove the bus at a very high speed, in a rash and negligent manner, without



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following the traffic rules, as a result of which, both the petitioners were thrown inside the bus and sustained grievous injuries. They preferred claim petitions before the Motor Accident Claims Tribunal, Cuddalore, in MCOP No. 3969/2014 (filed by T. Purusothaman) and MCOP No.3970/2014 (filed by G. Ravichandran) seeking compensation of Rs.10,00,000/- and Rs.25,00,000/- respectively.

4. The Claim petitions were resisted by the respondent / Transport Corporation by stating that the driver of the respondent bus drove it with due care and caution observing traffic rules from Chennai to Kumbakonam. According to the respondent, near Koliyanur Cross Road, since the road in that stretch was in a very poor condition with potholes, the bus was jolting. Since the petitioners were not holding the handle, they fell down into the bus. Except the petitioners, nobody was injured in the bus. According to the respondent, the petitioners alone were responsible for the accident and hence, the respondent / Transport Corporation is not liable to pay any compensation to the petitioners.



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5. The Claims Tribunal framed necessary issues and came to the conclusion that the accident occurred due to the negligence of the driver of the respondent bus and directed the respondent to pay a compensation of Rs.9,27,865/- to the petitioner in MCOP No.3969/2014 and a sum of Rs.11,08,200/- to the petitioner in MCOP No.3970/2014 together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realisation.

6. Seeking enhancement of compensation awarded by the Tribunal, the present Civil Miscellaneous Appeals are filed by the petitioner in both the MCOPs.

7. The learned counsel for the appellant would contend that, the petitioner in MCOP No.3970 of 2014 was working as a Technician at Neyveli Lignite Corporation and was earning Rs.47,000/- per month. The Tribunal failed to award compensation for the injured under the head of loss of income in spite of producing Ex.P18 Salary Reduction and De-promotion report, which clearly shows that the petitioner has lost Rs.20,000/- per month due to the injury and disability arising out of the accident. He would further submit

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that the injured was assessed with 80% disability for the whole body and lost his earning capacity and hence, the Tribunal ought to have adopted multiplier method for determining his loss of earning capacity instead of per percentage method.

7.1. The learned counsel would further submit that the petitioner in MCOP No. 3969 of 2014 was a manufacturer of chamber bricks and agriculturist earning a sum of Rs.20,000/- per month. However, the Tribunal fixed the notional monthly income of the petitioner as Rs.7,200/- and awarded loss of income for the period of 5 months. It is further submitted that the petitioner has completely lost his earning capacity and that the Tribunal has not considered the same in awarding just compensation towards loss of earning capacity. Further, the Tribunal failed to award compensation under the head of future medical expenses, damages, disfigurement and loss of expectation of life to the petitioner in the both the MCOPs and also awarded very meagre amount under the other heads.

8. Despite notice, there is no representation on the side of the respondent / Transport Corporation.

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9. Heard on both sides. Records perused.

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10. According to the learned counsel for the appellant, the petitioner in MCOP No.3970 of 2014 sustained D11-L3 stabilisation with Paraparesis, Molluscum contagiosum skin lesion, L1 compression fracture with paraplegia, lacerated wound on the head 10x2 cm and other multiple grievous injuries all over the body and after accident, he has taken in-patient treatment for 110 days in six spells in Apollo Hospital. The Medical Board has assessed his disability as 80%. Considering the nature of injuries and the total number of inpatient treatment, the Tribunal ought to have adopted multiplier method for granting compensation towards disability.

10.1. Since the Petitioner is a Grade III Technician in Neyveli Lignite Corporation, there is no loss of salary or reduction of salary. Hence, the Tribunal has not adopted multiplier method and also not awarded compensation towards temporary loss of income, which warrants any interference. Hence, the award passed by the Tribunal, warrants any interference. Accordingly, CMA No.3173 of 2025 is dismissed.

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11. According to the learned counsel for the appellant, the petitioner in MCOP No. 3969 of 2014 was a manufacturer of chamber bricks and agriculturist earning a sum of Rs.20,000/- per month, however, the Tribunal fixed the notional monthly income of the petitioner as Rs.7,200/- and awarded loss of income for the period of 5 months and that the Tribunal has not awarded just compensation towards loss of earning capacity.

11.1. Considering the year of accident, this Court deems it appropriate to fix the notional monthly income of the petitioner as Rs.9,000/-. Accordingly a sum of Rs.9,45,000/- (9000 + 2250 (25% future prospect) x 12 x 14 x 50/100) towards partial permanent disability and sum of Rs.45,000/- is awarded towards temporary loss of income for a period of 5 months. Further, the petitioner has not substantiated that he requires further treatment for the injuries sustained by him. Hence, the compensation awarded by the Tribunal under the other heads are just and reasonable.

11.2.The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.

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S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Partial Permanent Disability	7,56,000/-	9,45,000/-	Enhanced
2.	Transportation	10,000/-	10,000/-	confirmed
3.	Extra nourishment	10,000/-	10,000/-	confirmed
4.	Attender's charges	10,000/-	10,000/-	confirmed
5.	Pain and sufferings	40,000/-	40,000/-	confirmed
6.	Medical expenses	35,865/-	35,865/-	confirmed
7.	Loss of Amenities	30,000/-	30,000/-	Confirmed
8.	Temporary Loss of income	36,000/- (7,200 x 5 months)	45,000/- (9000x5 months)	Enhanced
	Total	9,27,865/-	11,25,865/-	Enhanced by Rs.1,98,000/-



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12. In the result,

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Dismissed. No costs.

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- i. Partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to 11,25,865/- from Rs.9,27,865/-.
- iii. 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.
- 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.3969 of 2014 on the file of the Motor Accident Claims Tribunal, Cuddalore (in the Court of I Additional Sub Judge, Cuddalore). within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.



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v.The appellant/claimant is not entitled to claim any interest for the default period, if any, in filing this appeal.

vi.On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

24.04.2026

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. I Additional Sub Judge, Motor Accident Claims Tribunal, Cuddalore.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division I) Limited,
Railway Station New Road,
Kumbakonam 612 001



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K.GOVINDARAJAN THILAKAVADI, J.

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**Pre-delivery Common judgment in
C.M.A.Nos.3173 and 3174 of 2025**

24.04.2026