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CMA. No.1270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.02.2026

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA. No.1270 of 2023

K. Ayyappan,
S/o. Kannaiyan,
No.4/12, Vadavenniamman,
2nd Street, Maduravoyal, Chennai – 95.

...Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Anna Salai, Chennai – 02.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgement dated 26.10.2022 made in M.C.O.P.No.1278 of 2016 on the file of the Motor Accident Claims Tribunal (III Small Causes Court), Chennai.

For Appellant : Mr. K. Varadha Kamaraj

For Respondent : Mr. M. Murali Vinodh

JUDGMENT

This Civil Miscellaneous Appeal has been filed seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal (III Small Causes Court), Chennai, in M.C.O.P.No.1278 of 2016 dated 26.10.2022.



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2. The gist of the case as per the claim petition is that on 28.12.2015 at 02.30 P.M., while the appellant/claimant was riding his motorcycle bearing Registration No.TN-02-R-8390, observing traffic rules and proceeding from Seven Hills Polytechnic College, Alapakkam towards Valasaravakkam Arcot Road, a bus bearing Registration No.TN-01-N-4188 (Route No.88A), belonging to the Metropolitan Transport Corporation, driven in a rash and negligent manner and dashed against his motorcycle. In the said accident, the claimant/appellant sustained grievous injuries. Alleging that the accident occurred solely due to the rash and negligent driving of the bus driver, he filed a claim petition, claiming a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only), as compensation with accrued interest.

3. Before the Tribunal, the appellant/claimant examined himself as P.W.1 and the Doctor was examined as P.W.2 and marked Exs.P1 to P19. On the side of the respondent, one Sambasivam was examined as R.W.1 and no documents were marked. The Tribunal, upon appreciation of evidence, awarded a total compensation of Rs.6,50,700/- with interest at 7.5% per annum. Aggrieved by the quantum, the appellant/claimant has filed the present



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appeal for enhancement of compensation.

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4. The learned counsel for the appellant contended that the Tribunal awarded a meagre compensation without properly considering the disability, period of treatment, loss of earnings, loss of amenities and other conventional heads. Hence, he prayed to allow this appeal.

5. Per contra, the learned counsel for the respondent submitted that after appreciation of all the testimonies on record, Tribunal has awarded just and fair compensation, which needs no interference by this Court.

6. The only point that arises for consideration in this appeal is :

“Whether the compensation awarded by the Tribunal is just and reasonable, and whether the appellant is entitled to enhancement?”

7. It is seen from the records that the claimant sustained injuries and was treated as an inpatient from 31.12.2015 to 21.01.2016. a) Insofar as the disability is concerned, P.W.2/Doctor assessed the permanent disability at 35% and issued Ex.P19/disability certificate. However, the Tribunal adopted 15% and awarded a sum of Rs.60,000/-. Considering the nature of injuries, period



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of treatment and the age of the claimant, this Court deems it appropriate to fix the disability at 25%. There is no dispute on fixing a sum of Rs.4,000/- per percentage for the disability. Adopting the same per percentage, the compensation under this head is re-fixed for 25% is arrived at Rs.1,00,000/- (25% x Rs.4,000/-). Hence, the amount under disability is enhanced from Rs.60,000/- to Rs.1,00,000/-. **b)** As far as the Attender Charges is concerned, the Tribunal awarded Rs.6,600/-. Considering the number of days of hospitalization, the same is enhanced to Rs.15,000/-. **c)** Insofar as Loss of Earning is concerned, though no documentary proof was produced regarding avocation, the Tribunal fixed the notional income at Rs.9,500/- per month and awarded for two months. Considering the treatment and recovery period, this Court enhances the loss of earnings to three months as Rs.9,500/- x 3 = Rs.28,500/-. Thus, the Loss of Earnings is enhanced from Rs.19,000/- to Rs.28,500/-. **d)** Considering the age, hospitalization and disability sustained by the appellant, this Court is of the considered opinion that the following heads are meager and the same are required to be enhanced. Hence, the Transportation is enhanced to Rs.10,000/- from Rs.4,000/-; Extra-Nourishment is enhanced to Rs.20,000/- from Rs.10,000/-; and the Loss of Amenities is enhanced to Rs.25,000/- from Rs.10,000/-. **e)** The amounts awarded under the



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heads are confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Disability	Rs.60,000/-	Rs.1,00,000/-	Enhanced
2.	Pain and sufferings	Rs.40,000/-	Rs.40,000/-	Confirmed
3.	Transportation	Rs.4,000/-	Rs.10,000/-	Enhanced
4.	Medical Expenses	Rs.5,00,135/-	Rs.5,00,135/-	Confirmed
5.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-	Enhanced
6.	Attender charges	Rs.6,600/-	Rs.15,000/-	Enhanced
7.	Damages to clothes	Rs.1,000/-	Rs.1,000/-	Confirmed
8.	Loss of Amenities	Rs.10,000/-	Rs.25,000/-	Enhanced
9.	Loss of Earnings	Rs.19,000/-	Rs.28,500/-	Enhanced
	Total	Rs.6,50,735/- rounded off Rs.6,50,700/-	Rs.7,39,635/-	Enhanced amount Rs.88,935/-

8. In the result, this Civil Miscellaneous Appeal is partly allowed.

(i) The compensation is enhanced to **Rs.7,39,635/-** from **Rs.6,50,700/-**.

(ii) The respondent/Transport Corporation is directed to deposit the enhanced award amount along with interest at the rate of 7.5% from the date of petition till the date of deposit, less the amount already deposited, if any,

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within a period of eight weeks from the date of receipt of a copy of this judgement, to the credit of M.C.O.P. No.1278 of 2016 on the file of the Motor Accident Claims Tribunal, (III Small Causes Court), Chennai. The Respondent / Transport Corporation is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this Court.

(iii) The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.

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

(v) There shall be no order as to costs.

12.02.2026

Index:Yes/No

Speaking/Non-speaking order

Neutral Case Citation : Yes/No

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To

1. The Motor Accident Claim Tribunal,
III Court of Small Causes, Chennai.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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