



C.M.A.Nos.2851 and 2964 of 2025
and C.M.P.No.25011 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos.2851 and 2964 of 2025
and C.M.P.No.25011 of 2025

C.M.A.Nos.2851 of 2025

M. Balasubramani

... Appellant

Versus

1.R. Sukumar
2.The Managing Director
Tamil Nadu State Transport Corporation,
Having its office at
Chennimalai Road, Erode-638 002.

...Respondents

C.M.A.Nos. 2964 of 2025

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
Chennimalai Road, Erode 638002

...Appellant



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C.M.A.Nos.2851 and 2964 of 2025
and C.M.P.No.25011 of 2025

Versus

1.M. Balasubramani
2. R. Sukumar

..Respondent

COMMON PRAYER: Civil Miscellaneous Appeals filed against the order made in M.C.O.P.No. 168 of 2023, dated 27.08.2024, on the file of the Motor Accident Claims Tribunal, (Special Subordinate Court), Erode.

C.M.A.No.2851 of 2025

For Appellant in
For Respondent

: Mr.R.Nalliyappan
: Mr.M.Murali Vinodh for R2
No appearance for R1

C.M.A.No.2964 of 2025

For Appellant
For Respondents

: Mr.M.Murali Vinodh
: Mr.R.Nalliyappan for R1

COMMON JUDGMENT

C.M.A.No.2851 of 2025 is preferred by the claimant, for enhancement of compensation in M.C.O.P.No.168 of 2023, dated 27.08.2024, on the file of the Motor Accident Claims Tribunal, (Special Subordinate Court), Erode.



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2. C.M.A.No.2964 of 2025 is filed by the Transport Corporation Challenging the judgment and decree passed in M.C.O.P.No.168 of 2023, dated 27.08.2024, on the file of the Motor Accident Claims Tribunal, (Special Subordinate Court), Erode, challenging the quantum of award passed in the said claim petition.

3. Both the Transport Corporation and the claimant have come up with these appeals. While the Transport Corporation challenges the quantum of compensation awarded, the claimant seeks for enhancement. The claimant sought for compensation of Rs.30,00,000/- from the transport corporation for injuries sustained by him in an accident that occurred on 22.11.2022. According to the claimant, at about 09.45 p.m. when he was riding his motorcycle bearing Reg.No. TN 33 AR 0767 from south to north at a slow speed in a very cautious manner from Kangeyam to Erode, at Nathakadaiyur, a TNSTC bus bearing Registration No.TN-39-N-0217, belonging to the 2nd respondent came from the opposite side, which was



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driven by the 1st respondent driver, in a rash and negligent manner, without adhering to traffic rules, suddenly overtook a car without looking at the oncoming opposite side vehicle, and hit the petitioner's motorcycle. The said accident happened due to the negligence on the part of the 1st respondent who is solely responsible for the same.

4. As a result of the accident, the petitioner sustained bone fracture and grievous injuries and took treatment in the Government Hospital, Kangeyam, and further was admitted at Bharani Paventhan Multispeciality Hospital on the very next day, he underwent treatment from 23.11.2022 to 30.11.2022, after which he was admitted in the same hospital as inpatient from 31.01.2023 to 06.02.2023. The petitioner was doing mason work and earned not less than a sum of Rs.25,000/- to Rs.30,000/- per month before the accident. The petitioner is the only bread-winner of the family. On account of multiple bone fracture, with grievous injury, the petitioner is bed ridden and has sustained permanent disability. In this consequence the petitioner could not do his building mason work or any other physical work



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and has thus lost his income, amenities and future prospects also. Hence, the petitioner has sought for compensation of Rs.30,00,000/-.

5. The Transport corporation resisted the claim contending that the accident had happened due to the rash and negligent riding by the petitioner. Therefore, the petitioner is not entitled to claim any amount by way of compensation and prays for dismissal of the claim petition.

6. On the side of the petitioner, the petitioner was examined as P.W.1 and 12 documents were marked. The disability certificate issued by Bharani Paventhan Multispeciality Hospital, Erode, was marked as Ex.C1. The Tribunal, on a consideration of the evidence on record, concluded that the accident occurred due to rash and negligent driving of the driver of the TNSTC bus. The Tribunal fixed the monthly income of the claimant at Rs. 15,000/- per month. On the evidence available to the effect that the claimant was about 39 years old at the time of accident, the Tribunal fixed compensation for loss of earning capacity for four months at Rs. 60,000/-



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and also awarded the compensation as Rs.6,17,000/-. Hence, these appeals.

7. Mr. R.Nalliyappan, learned counsel appearing for the claimant in C.M.A.No.2851 of 2025 would submit that the claimant was a mason and due to the accident his earning capacity has been completely destroyed. The Tribunal ought to have adopted a higher multiplier and interest rate on the compensation awarded.

8. Per Contra, Mr. M. Murali Vinodh learned counsel appearing for the Tamil Nadu State Transport Corporation in C.M.A.No.2851 of 2025 would contend that the compensation awarded by the Tribunal is on the higher side. He would also urge that fixing of Rs.15,000/- per month as notional income is on the higher side and the award of Rs.60,000/- for loss of earning is excessive.

9. Taking into consideration, the fact that the claimant was a mason and that he would not be able to work under the present physical condition



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i.e., with 40% disability, the Tribunal has awarded a sum of Rs.6,17,000/- for the disability caused to the claimant. Considering the percentage of disability this Court is of the view that the claimant would have been out of action for atleast 12 months. Hence, the loss of earning capacity is enhanced to Rs.1,80,000/- (15000x 12 months) and permanent disability to Rs. 4,00,000/-.

10. In addition, a sum of Rs.20,000/- is awarded as extra nourishment and also a sum of Rs.1,00,000/- is awarded towards pain and suffering.

11. The award of the Tribunal under all other heads are confirmed.

12. 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.	Loss of earning	60,000	1,80,000	Enhanced
2.	Transport to hospital	10,000	10,000	Confirmed



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3.	Extra Nourishment	15,000	20,000	Enhanced
4.	Attender Charges	20,000	20,000	Confirmed
5.	Future medical expenses	15,000	15,000	Confirmed
6.	Damages for clothes and articles	5,000	5,000	Confirmed
7.	Medical Expenses	2,02,000	2,02,000	Confirmed
8.	Pain and sufferings	50,000	1,00,000	Enhanced
9.	Permanent disability and loss of earning power	2,40,000	4,00,000	Enhanced
	Total	6,17,000/-	9,52,000/-	Enhanced by Rs.3,35,000/-

13. With the above modification, this Civil Miscellaneous Appeal in C.M.A.No.2851 of 2025 is partly allowed and the compensation awarded by the Tribunal at Rs.6,17,000/- is hereby enhanced to Rs. 9,52,000/- together with interest at 7.5% per annum from the date of petition till the date of deposit and C.M.A.No.2964 of 2025 is dismissed. The Transport Corporation is directed to deposit the award amount now determined by this



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Court, along with interest and costs, less the amount already deposited, if any, within a period of **(8) weeks** from the date of receipt of copy of this Judgment. The claimant in C.M.A.No.2851 of 2025 is not entitled to claim any interest for the default period in filing this appeal as per order of this Court dated 12.09.2025 in C.M.P.No.13666 of 2025. On such deposit, the claimant is permitted to withdraw the entire amount awarded by this Court along with interest and cost, less the amount already withdrawn, if any. The claimant is directed to pay the necessary Court fee, if any for the enhanced award amount. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To:

- 1.The Special Sub Judge,
The Motor Vehicle Accident Tribunal,
Erode.
- 2.The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

vsn

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