



WEB COPY

CMA No. 2817 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 2817 of 2022

and

C.M.P.No.2057 of 2026

G.Bishnudatta Mishra

..Appellants

Vs

1. M/s.P.R.R. Travels
No.B25, Sipcot Industrial Growth Center,
Oragadam Village and Post,
Sriperumbudur Taluk, Kanchipuram District
2. The Divisional Manager
United India Insurance Co. Ltd,
Motor Third Party Claim Office,
No.147/58C, Kamarajar Street,
Kanchipuram.
3. Apollo Tyres Limited
B-25, SIPCOT Industrial Growth Centre,
Oragadam, Kancheepuram 602 105.
(R3 impleaded vide court order dated
11.03.2026)

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the award passed by Hon'ble Principal Subordinate Judge, Additional Subordinate Judge (FAC) before the Motor Accident Claims Tribunal, Kanchipuram dated 31.03.2022 made in M.A.C.T.O.P.No.404 of 2017 within interest and costs.



WEB COPY



For Appellant:

Mr.K.V.Muthu Visakan

For Respondents:

Mr.J.Michael Visuvasam for R2

Mr.R.Jayaprakash for R3

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The Petitioner in M.A.C.T.O.P.No.404 of 2017 on the file of Principal Subordinate Judge, Additional Subordinate Judge(FAC) (Motor Accident Claims Tribunal), Kanchipuram is the appellant.

2. The said claim petition came to be filed by the appellant/injured claiming compensation for the injuries sustained by him in a road accident which occurred on 15.11.2016 at about 8.00 am. The appellant was travelling as one of the passengers in a bus bearing Reg. No.TN 21 AT 5506 belonging to the first respondent from his house towards Apollo Tyre Company situated at Oragadam. When the bus reached Karasangal Samathuvapuram on the Padappai to Tambaram National Highways Road, the bus dashed on the rear side of a stationed vehicle bearing Reg.No. TN 21 AH 5679 and due to that, the appellant, among some other passengers of the said bus, sustained multiple grievous injuries all over the body and got admitted in Parvathy Hospital at Chrompet in Chennai.



3. Contending that the accident had occurred solely due to rash and negligent driving of the driver of the bus belonging to the first respondent, the appellant had filed the claim petition against the 1st respondent, owner of the bus and the second respondent, insurer.

4. We had impleaded, during the course of the Appeal, the third respondent, Apollo Tyres Limited since, during the course of arguments, it had been stated that the medical expenses incurred by the appellant for the injuries sustained by him had been borne entirely by the third respondent and that, taking note of that fact, the Tribunal had not granted any amount towards medical expenses.

5. Learned counsel for the appellant argued that the appellant was under liability to repay the amount paid by the third respondent and stated that the expenses had been incurred only owing to the accident and even if the third respondent had not paid the amount, the second respondent-Insurance Company would be liable to pay the amount. It was, therefore, contended that the appellant should be granted the medical expenses incurred by him. The details regarding the medical expenses had also been filed as documents before the Tribunal.



6. The learned counsel for the third respondent submitted that they had paid the medical bills of the appellant herein. However, owing to the passage of time, they were able to produce the bills for a total value of Rs.26,60,833/- alone. The learned counsel for the appellant however, claimed that the medical expenses incurred by him towards the treatment was Rs.31,48,492/-.

7. We would take this amount into consideration since bills for the same also had been produced as document and marked as Ex.P12. The next contention of the learned counsel for the appellant is that though the salary bill and certificate had been produced and marked as Exs.P18 and P19 and evidence also had been adduced in this regard, the Tribunal had not considered the salary which had been indicated as Rs.19,658/- per month. Since there is unrebutted evidence for the same, we would consider the salary of the appellant at Rs.19,658/-. We would also grant future prospectus at 40%.

8. The learned counsel for second respondent contended that subsequent to the accident, the claimant had done his graduation in Engineering and had also appeared in the Orissa State Public Service Examination for Group "A" cadre services and contended that the appellant would not lose any income in future, considering the fact that he had completed his graduation in Engineering.



9. It is seen that the Medical Board, at the time of trial, had determined the functional disability of the appellant at 70%. However, to find out the functional disability as on date, we had directed the appellant to present himself before the Medical Board at Rajiv Gandhi Government General Hospital, Chennai and placed a request to the Dean, Rajiv Gandhi Government General Hospital, Chennai to assess the disability of the appellant.

10. Accordingly, the Disability Certificate of the appellant had been forwarded by the Dean, Rajiv Gandhi Government General Hospital, Chennai after medically assessing the disability of the appellant. It has been certified that the appellant suffers 70% disability even as on date. In the report, the difficulties suffered by the appellant had been noted. It has been stated that he suffers difficulty in climbing stairs and climbing down, in squatting, in walking and in running. However, there is no indication that he cannot do or cannot continue to do any desk job or perform administrative works. There is also no indication that the disability suffered by the appellant would be a hurdle in getting employment in any private enterprises or in the Government, particularly taking note of his Graduation in Engineering. It is also seen that he was a trainee in the third respondent Company at the time when the accident had occurred and such experience, coupled with graduation in Engineering would, certainly, be helpful for the appellant in seeking employment.



11. The Medical Board had determined the functional disability of the appellant at 70%. But, however, taking into consideration the avocation of the appellant that he would not be engaged in skilled labour, we would take into consideration the functional disability as 25%. In this regard, we also apply the principles laid down by the Hon'ble Supreme Court in **Rajkumar vs. Ajayakumar** (2010 (2) TN MAC 581 (SC)), wherein at para 10, the Supreme Court had examined the issue of disability owing to an accident and held as follows:-

"If the claimant was a driver or a carpenter, the actual loss of earning capacity may virtually be hundred percent, if he is neither able to drive or do carpentry. On the other hand, if the claimant was a clerk in government service, the loss of his left hand may not result in loss of employment and he may still be continued as a clerk as he could perform his clerical functions; and in that event the loss of earning capacity will not be 100% as in the case of a driver or carpenter, nor 60% which is the actual physical disability, but far less."

12. In view of these reasons, we would grant 25% disability and apply a multiplier of 18 and arrive at the total loss of earning capacity as Rs.14,86,134/-
(19658 + 7863(19658 x 40/100) = 27521 x 12 x 25/100 x 18).



13. With respect to the other heads, we grant a sum of Rs.31,48,492/- towards medical expenses. We also observe from the records that the appellant was taking treatment as in patient for about 7 months and therefore, we grant a sum of Rs.10,000/- per month and thereby enhance the attendant charges to Rs.70,000/-. We also grant amenities which had not been granted by the Tribunal at Rs.50,000/-. We have also considered the fact that the appellant had gone to the Hospital every day as outpatient and therefore, we would enhance transport expenses to Rs.25,000/-. We would also enhance the compensation towards pain and suffering to Rs.1,50,000/-. We confirm the award of Rs.2000/- granted by the Tribunal towards extra nourishment. Thus, the enhanced compensation is tabulated as follows:-

Heads	Amount awarded (in Rupees)
Disability	14,86,134/-
Medical Expenses	31,48,492/-
Attendant Charges	70,000/-
Amenities	50,000/-
Pain and suffering	1,50,000/-
Transportation	25,000/-
Extra Nourishment	2,000/-
Total	49,31,626/-

14. The compensation amount is enhanced to Rs.49,31,626/-. The balance enhanced amount shall be deposited by the second respondent herein within six weeks from the date of receipt of a copy of this judgment.



15. It is also an admitted fact that the third respondent had borne the medical expenses of the appellant and the appellant had also given an undertaking that he would repay the same. The learned counsel for the appellant also very fairly submitted that the appellant is under obligation to the third respondent to repay the medical expenses. The third respondent is permitted to withdraw a sum of Rs.26,60,833/-, which is the amount crystalized by them towards medical expenses of the appellant on the basis of the bills available as on date. The appellant is permitted to withdraw the balance amount. So far as C.M.P. No.2057 of 2026 is concerned, as we have taken judicial notice of the documents sought to be marked, we are of the view that they need not be marked. The miscellaneous petition stands closed.

The Civil Miscellaneous Appeal stands allowed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
08-04-2026

Index: Yes/No

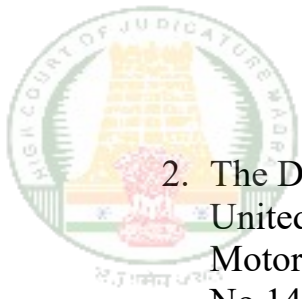
Speaking/Non-speaking order

Neutral Citation: Yes/No

ssk

To

1. M/s.P.R.R.Travels
No.B25, Sipcot Industrial Growth Center,
Oragadam Village and Post,
Sriperumbudur Taluk, Kanchipuram District



2. The Divisional Manager
United India Insurance Co. Ltd,
Motor third Party Claim Office,
No.147/58C, Kamarajar Street,
Kanchipuram.
3. Apollo Tyres Limited
B-25, SIPCOT Industrial Growth Centre,
Oragadam, Kancheepuram 602 105.



WEB COPY

CMA No. 2817 of 2



**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

ssk

CMA No. 2817 of 2022

08-04-2026