



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

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CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.372 of 2026

Abdul Rahman

...Appellant

Vs.

1.G.Ramu

2.The Managing Director,
SETC, Thiruvalluvar House,
No.2, SETC, Mount Road,
Chennai – 600 002.

3.S.Rajanayahan

4.The Managing Director,
TNSTC Kumbakonam Ltd.,
Railway Station New Road,
Kumbakonam.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 08.08.2025 made in M.C.O.P.No.3553 of 2021 on the file of Motor Accident Claims Tribunal, Special – II Court of Small Causes, Chennai.

For Appellant : Mr.M.Karuppaiah

For Respondents – 1 & 3 : Notice Dispensed With

For Respondents – 2 & 4 : Mr.M.Murali Vinodh



JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant/claimant seeking to enhance the quantum of compensation awarded by the learned II Special Judge, Motor Accident Claims Tribunal (II Special Court of Small Causes), Chennai vide Order dated 08.08.2025 in M.C.O.P.No.3553 of 2021.

2. The brief facts of the case are as follows:

On 24.02.2021, at about 12.30 a.m., while the appellant/claimant was travelling as a passenger in a TNSCTC bus bearing Registration No.TN-68-N-0479 moving near Vasuki Rice Mill, Panruti to Chennai NH Road, Pappanapattu Village Boundary, Vikravandi Taluk, the SETC bus bearing Registration No.TN-01-AN-2452 came from opposite direction in a rash and negligent manner, dashed against the TNSCTC bus and caused an accident. In the said accident, the appellant/claimant had sustained multiple grievous injuries and fracture all over his body. Therefore, the appellant/claimant had filed a Claim Petition in M.C.O.P.No.3553 of 2021 against the 1st respondent (driver of the SETC bus), 2nd respondent (State Express Transport Corporation), 3rd respondent (driver of the TNSCTC bus) and 4th respondent (Tamil Nadu State Transport Corporation), claiming a sum of Rs.10,00,000/- as compensation for the multiple injuries sustained by him in the accident.



3. The 1st respondent (driver of the SETC bus) and 3rd respondent (driver of the TNSTC bus) had remained *ex parte* before the Tribunal.

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4. The 2nd respondent (State Express Transport Corporation) and 4th respondent (Tamil Nadu State Transport Corporation) have filed their respective counter statement denying all the averments made by the appellant/claimant in the Claim Petition.

5. Before the Tribunal, on the side of claimant, appellant/claimant examined himself as P.W.2 and 8 documents were marked as Exs.P14 to 21. On the side of respondents 2 & 4, no witnesses were examined and no exhibits were marked. The Disability Certificate dated 13.05.2022 issued to the appellant/claimant was marked as Ex.C1.

6. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident had occurred due to the rash and negligent driving of the 1st respondent (driver of the SETC bus).

7. The Tribunal has awarded a sum of Rs.2,62,000/- as compensation to the appellant/claimant. The break-up details of the compensation awarded by the Tribunal are as follows:



S.No.	Heads	Amount awarded under various Heads
1	Medical Expenses	Rs.1,32,999/-
2	Transport Expenses	Rs.10,000/-
3	Extra Nourishment	Rs.10,000/-
4	Attender Charges	Rs.5,000/-
5	Loss of Income due to permanent disability	Rs.64,000/-
6	Pain and Sufferings	Rs.40,000/-
Total		Rs.2,61,999/-

The Tribunal had rounded off the total compensation of Rs.2,61,999/- to Rs.2,62,000/-.

8. The Tribunal vide Order dated 08.08.2025, partly allowed M.C.O.P.No.3553 of 2021 and directed the 2nd respondent (State Express Transport Corporation) to pay a sum of Rs.2,62,000/- (Rupees Two Lakhs Sixty Two Thousand Only) as compensation to the appellant/claimant, with proportionate cost and interest at 7.5% per annum from the date of claim petition till the date of realization.

9. Now, the appellant/claimant has preferred this Civil Miscellaneous Appeal before this Court, seeking to enhance the quantum of compensation awarded by the Tribunal.



10. Mr.M.Karuppaiah, learned counsel for appellant/claimant submitted that though the appellant/claimant had claimed Rs.10,00,000/- as compensation for the injuries sustained by him in the accident, the Tribunal has awarded only a sum of Rs.2,62,000/- as compensation to the appellant/claimant. He further submitted that at the time of accident, appellant/claimant was 18 years and he was preparing for NEET Exam. In the accident, the right thigh of the appellant/claimant got fractured and that apart, he had sustained multiple grievous injuries all over his body, due to which, the appellant/claimant had suffered 8% permanent disability which would be evident from Ex.C1 (Disability Certificate dated 13.05.2022 issued to the appellant/claimant). However, without considering all these things, the Tribunal has awarded a meagre amount of Rs.64,000/- under the head, “Loss of Income due to permanent disability”. Therefore, the learned counsel prayed that the amount awarded under the said head may be enhanced.

10.1. It is further submitted by the learned counsel for appellant/claimant that the amount awarded by the Tribunal under the heads, “Transport Expenses”, “Extra Nourishment” and “Attender Charges” are also on the lower side. Therefore, the learned counsel prayed that the amount awarded by the under the said heads may also be enhanced.



10.2. The learned counsel for appellant/claimant also submitted that the amount awarded by the Tribunal under the heads, “Medical Expenses” and “Pain and Sufferings” are just and reasonable, but, the Tribunal has not awarded any compensation to the appellant/claimant towards “Loss of Amenities of Life”.

11. On the other hand, Mr.M.Murali Vinodh, learned counsel appeared on behalf of 2nd respondent (State Express Transport Corporation) and 4th respondent (Tamil Nadu State Transport Corporation) submitted that after perusing Ex.C1 (Disability Certificate dated 13.05.2022 issued to the appellant/claimant), the Tribunal has awarded a reasonable amount of Rs.64,000/- under the head, “Loss of Income due to permanent disability”. Therefore, the amount awarded towards “Loss of Income due to permanent disability” need not be enhanced. The learned counsel further submitted that the amount awarded by the Tribunal towards all other heads are just and reasonable and hence, the same also need not be enhanced.

12. Heard the learned counsel for appellant/claimant as well as the learned counsel appeared for 2nd respondent (State Express Transport Corporation) and 4th respondent (Tamil Nadu State Transport Corporation).



13. From a perusal of the materials available on record, it is seen that the appellant/claimant had sustained multiple grievous injuries and his right thigh got fractured in the accident occurred on 24.02.2021. That apart, due to the said injuries and fracture, the appellant/claimant had suffered 8% permanent disability which is evident from Ex.C1 (Disability Certificate dated 13.05.2022 issued to the appellant/claimant). It is also seen that at the time of accident, the appellant/claimant was only 18 years and he was preparing for NEET Exam.

14. Considering the age of the appellant/claimant at the time of accident and the percentage of physical disability caused to the appellant/claimant due to the injuries sustained by him in the accident, this Court is of the opinion that the amount of Rs.64,000/- awarded by the Tribunal under the head, “Loss of Income due to permanent disability” is on the lower side. Therefore, the amount awarded towards “Loss of Income due to permanent disability” is enhanced as Rs.80,000/-.

15. In view of the submissions made by the learned counsel for appellant/claimant, this Court is inclined to enhance the amount awarded by the Tribunal under the heads, “Transport Expenses”, “Extra Nourishment” and “Attender Charges”. Accordingly, the amount of Rs.10,000/- awarded towards “Transport Expenses” is enhanced as Rs.15,000/-; the amount of Rs.10,000/-



awarded towards “Extra Nourishment” is enhanced as Rs.20,000/- and the amount of Rs.5,000/- awarded towards “Attender Charges” is enhanced as Rs.10,000/-.

16. It is to be noted that due to the disability caused to the appellant/claimant, he has not only lost his earning capacity but also lost his convenience of life. The Tribunal has failed to taken note of the same. Considering the inconvenience suffered by the appellant/claimant, this Court awards a sum of Rs.20,000/- under the head “Loss of Amenities of Life”.

17. The compensation awarded by the Tribunal under the heads, “Medical Expenses” and “Pain and Sufferings” are just and reasonable and hence, the same are confirmed.

18. The break-up details of the enhanced compensation are as follows:

S.No.	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award Confirmed or Enhanced or Granted
1	Medical Expenses	Rs.1,32,999/-	Rs.1,32,999/-	Confirmed
2	Transport Expenses	Rs.10,000/-	Rs.15,000/-	Enhanced
3	Extra Nourishment	Rs.10,000/-	Rs.20,000/-	Enhanced
4	Attender Charges	Rs.5,000/-	Rs.10,000/-	Enhanced
5	Loss of Income due to permanent disability	Rs.64,000/-	Rs.80,000/-	Enhanced



6	Pain and Sufferings	Rs.40,000/-	Rs.40,000/-	Confirmed
7	Loss of Amenities of Life	----	Rs.20,000/-	Granted
Total		Rs.2,61,999/-	Rs.3,17,999/-	----
Rounded Off		Rs.2,62,000/-	Rs.3,18,000/-	Enhanced by Rs.56,000/-

19. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.2,62,000/- awarded by the Tribunal is enhanced to Rs.3,18,000/- (Rupees Three Lakhs Eighteen Thousand only). The 2nd respondent (State Express Transport Corporation) is directed to deposit the enhanced compensation of Rs.3,18,000/-, after deducting the amount(s), if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit (excluding the default period, if any), to the credit of M.C.O.P.No.3553 of 2021, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, appellant/claimant is permitted to withdraw the enhanced award amount along with proportionate interest and cost. The appellant/claimant is directed to pay the necessary Court fee, if any, on the enhanced award amount, before receiving the copy of this judgment. No costs.

27.02.2026

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Index: Yes/No

Speaking (or) Non-Speaking Order

Neutral Citation: Yes/No



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- 4.The Section Officer,
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C.M.A.No.372 of 2



K.GOVINDARAJAN THILAKAVADI, J.

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C.M.A.No.372 of 2026

27.02.2026