



WEB COPY



C.M.A.No.326 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 326 of 2026

Thangadurai

...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, to enhance the award amount in judgment and decree dated 08.08.2025 made in M.C.O.P. No.4318 of 2021 on the file of the Motor Accident Claims Tribunal / Special II Court of Small Causes, Chennai.

For Appellant

: Mr.Amar D. Pandiya

for Mr. M. Karuppaiah

For Respondents

: Mr. Murali Vinodh for R2 and R4

R1 & R3 – Notice dispensed with



C.M.A.No.326 of 2026

WEB COPY

JUDGMENT

This appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant/claimant for enhancement of the sum awarded in M.C.O.P. No.4318 of 2021 on the file of the II Special Court, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

2. Shortly stated, on 24.02.2021, at about 00.30 hours, when the appellant / claimant was travelling as a passenger in a Tamil Nadu State Transport Corporation Bus bearing Registration No. TN-68-N-0479, near Vasuki Rice Mill, Panruti to Chennai NH Road, Pappanapattu Village Boundary, a SETC bus bearing Registration No. TN-01-AN-2452 came in the opposite direction, driven by its driver in a rash and negligent manner, dashed against the bus in which the claimant was travelling, as a result of which, the appellant / claimant sustained fracture and multiple grievous injuries all over his body.

3. The claimant filed the above MCOP claiming compensation of Rs.7,00,000/- for the injuries sustained by him in the said accident. The Claim petition was resisted by the respondents 2 and 4.

2/8



C.M.A.No.326 of 2026

4. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving on the part of the 1st respondent and that the claimant is entitled to claim compensation. After analysing the oral and documentary evidence, the Tribunal awarded a compensation of Rs.70,000/- to the claimant and directed the 2nd respondent / SETC to pay the said award amount together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

5. Seeking enhancement of compensation, the present Civil Miscellaneous Appeal is filed by the appellant/claimant.

6. The learned counsel for the appellant/claimant would contend that, though the Medical Board assessed the permanent disability of the appellant/claimant as 20% and issued Ex.C1 certificate to that effect, the Tribunal had reduced it to 5%, without proper adjudication. He further submitted that the Tribunal had awarded meagre amounts under the other heads. Hence, prayed for enhancement of compensation awarded by the Claims Tribunal.



C.M.A.No.326 of 2026

WEB COPY

7. On the other hand, the learned counsel for the 2nd respondent / Transport Corporation submitted that, the Tribunal has considered the materials on record and had awarded 'just compensation' which requires any interference by this Court.

8. Heard on both sides. Records perused.

9. On a perusal of the impugned order, it is seen that the appellant / claimant has sustained multiple injuries all over his body and the Medical Board has assessed his disability at 20% as permanent, however, the Tribunal has taken it as only 5%, since no proof has been produced to ascertain the actual disability sustained by the appellant. However, considering the nature of injuries sustained by the appellant, this Court deems it fit to fix the disability of the appellant as determined by the Medical Board, i.e., 20%. Accordingly, a sum of Rs.1,60,000/- is awarded towards disability. Compensation awarded by the Tribunal under the other heads are confirmed.



C.M.A.No.326 of 2026

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

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Transportation	3,000/-	3,000/-	Confirmed
2.	Extra nourishment	5,000/-	5,000/-	confirmed
3.	Attender charges	2,000/-	2,000/-	Confirmed
4.	Disability	40,000/- (5x8000)	1,60,000/- (20x8000)	Enhanced
5.	Pain and sufferings	20,000/-	20,000/-	confirmed
	Total	70,000/-	1,90,000/-	Enhanced by Rs.1,20,000/-

11. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced to 1,90,000/- from Rs.70,000/-.
- 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.



C.M.A.No.326 of 2026

iv. The second respondent / Transport Corporation is directed to deposit the

WEB COPY

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.4318 of 2021 on the file of the Motor Accident Claims Tribunal (II Special Court, Court of Small Causes), Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

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

25.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



C.M.A.No.326 of 2026

To

1. II Special Judge, Court of Small Causes, Motor Accident Claims Tribunal,
Chennai.

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



WEB COPY



C.M.A.No.326 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

bga

C.M.A.No. 326 of 2026

25.02.2026