

S.Michael vs the Managing Director

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Court : Chennai

Decided On : Jul-31-2025

Judge : Honourable Mrs.Justice T.V.Thamilselvi

Appeal No. : CMA/724/2025

Appellant : S.Michael

Respondent : The Managing Director

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI C.M.A.No.724 of 2025 S.
Michael ... Appellant Vs.

1. The Managing Director, Tamil Nadu State Transport Corporation Ltd.,
Villupuram Region, Kancheepuram - 631 501.

2. V. Sundaraj ... Respondents PRAYER : Civil Miscellaneous Appeal filed under
Section 173 of the Motor Vehicles Act, 1988, prays to allow the Civil Miscellaneous
appeal

by enhancing the compensation awarded in the Fair and Decreetal order

dated 13.11.2024 passed in M.C.O.P.No. 3020 of 2011 on the file of Motor Accident Claims Tribunal, (In the III Court of Small Causes at Chennai) and pass orders. For Appellant : Mr.Amar DineshBhai Pandiya For Respondent-1 : Mr.CR. Suresh Kumar,

JUDGMENT

1 of 8 The appellants have filed this appeal to allow the Civil Miscellaneous appeal by enhancing the compensation awarded in the Fair and Decreetal order dated 13.11.2024 passed in M.C.O.P.No. 3020 of 2011 on the file of Motor Accident Claims Tribunal, (In the III Court of Small Causes at Chennai) and pass orders.

2. The brief facts of the case of the appellant/claimant is as follows:

On 12.02.2011 at about 8.20 a.m when the appellant was proceedings in his two wheeler bearing Reg No. TN 09 BF 4341 as a pillion rider from Koyambedu Market to Saidapet the first respondent bus bearing Reg.No. TN 21 N 1077 came in the same direction and hit the appellant's vehicle in a rash and negligent manner. As a result of which the appellant sustained grievous injuries. Hence, the appellant filed a claim petition claiming a total sum of Rs.20,00,000/- as compensation under various heads.

3. Upon considering the oral and documentary evidence, the

Tribunal partly allowed the claim petition and awarded a sum of Rs.2,64,900/- as compensation, directed the first respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per 2 of 8 annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor

Vehicles Act, 1988.

5. Heard Mr.Amar DineshBhai Pandiya , learned counsel appearing for the appellant, Mr.CR. Suresh Kumar, for the respondent.

6. The learned counsel for the appellant submitted that the award

passed by the claims tribunal is too low. He further submitted that the Tribunal erred in awarding compensation by adopting Rs.3,000/- per percentage, rather the Tribunal ought to have awarded compensation by adopting multiplier method. He also submitted that the appellant was a vegetable vendor and earning Rs.10,000/- but the Tribunal has taken only Rs.8,000/- as monthly income. Hence prays to enhance the compensation by allowing this petition.

7. On the other hand, the learned counsel appearing for the 3 of 8

respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

8. On An analysis of the award of the Tribunal would go to show

that the appellant has undergone a surgery and he was admitted in the hospital for more than a month. Hence, the amount awarded under the head pain and sufferings needs to be enhanced from Rs.20,000/- to Rs.50,000/-. Considering the nature of injuries and he took treatment as inpatient in the hospital for more than 30 days, the amount awarded under the head attender charges, damage of clothes and loss of amenities are enhanced to Rs.12,000/-,5,000/- and Rs.30,000/-. The Tribunal has taken Rs.8,000/- as monthly income of the appellant and concluded that he would have not gone for job for a period of two moths and arrived Rs.16,000/- as loss of earnings. But considering the avocation of the appellant he would be earning Rs.12,000/- per month and he would not able to go for job atleast for a period of six months.

Hence, the loss of earnings is enhanced to Rs.72,000 (Rs.12,000/- x 6) .

The compensation

4 of 8 that has been awarded under the other heads are reasonable and does not require interference of this Court.

9. The following tabular column sets out the amounts awarded by

the Tribunal and the enhanced amounts awarded by this Court under various heads: Sl. No Heads Amount (in Amount (in Rs.) Rs.) awarded awarded by the by the Tribunal High Court

1. Disability 1,50,000/- 1,50,000/-

2. Pain and sufferings 20,000/- 50,000/-

3. Transportation 4,000/- 4,000/-

4. Medical Expenses 47,908/- 47,908/-

5. Extra Nourishment 10,000/- 10,000/-

6. Attender Charges 6,000/- 12,000/-

7. Damage of clothes 1,000/- 5,000/-

8. Loss of Amenities 10,000/- 30,000/-

9. Loss of Earnings 16,000/- 72,000/-

Total Rs.2,64,908- Rs.3,80,908/- rounded off Rs.2,64,900/- Rs. 3,80,900/- Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,64,900/- to Rs. 3,80,900/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result: 5 of 8

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs. ii. The compensation awarded by the Tribunal is enhanced from Rs.2,64,900/- to Rs. 3,80,900/-,

iii. The appellants/claimants is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee. iv. The second respondent/ Managing Director, Tamil Nadu State Transport Corporation, is directed to deposit the enhanced compensation amount, i.e., Rs. Rs. 3,80,900/-, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No. 3020 of 2011 on the file of Motor Accident Claims Tribunal, (In the III Court of Small Causes at Chennai) within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the first respondent, the 6 of 8 appellant/claimant is at liberty to withdraw the same, after following due process of law. vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal. 31.07.2025 Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no smn To

1. The Motor Accident Claims Tribunal, The III Court of Small Causes, Chennai
2. The Managing Director, Tamil Nadu State Transport Corporation Ltd., Villupuram Region, Kancheepuram - 631 501.
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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