



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2303 of 2026

and

C.M.P.No.17682 of 2026

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division-II,
Rangapuram, Vellore-632 009.

..Appellant

Vs

Silambarasan
S/o.Manogaran

..Respondent

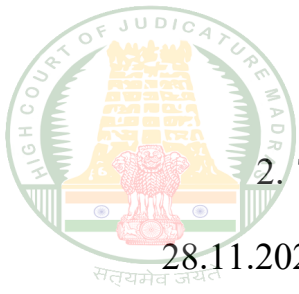
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1983, against the award passed in MCOP No.83 of 2025 dated 14-11-2025 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate/Presiding Officer at Vellore.

For Appellant : Mr.T.Chandrasekaran

For Respondent : Mr.M.Sivakumar

JUDGMENT

This appeal has been filed against the award passed by Motor Accident Claims Tribunal, Chief Judicial Magistrate/Presiding Officer, Vellore, in MCOP No.83 of 2025 dated 14-11-2025.



2. The respondent is the claimant. The case of the respondent is that on 28.11.2022, the respondent was riding his two wheeler at Anaicut road and at about 05.30 p.m., near Kaliyamman temple, the bus belonging to the appellant transport corporation was driven in a rash and negligent manner, as a result of which, it dashed on the rear side of the two wheeler and the claimant was thrown out of the vehicle and he sustained both bone distal comminuted open type 3B fracture. The claimant underwent treatment as an inpatient from 29.11.2022 to 15.12.2022 and one surgery was also performed. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident has taken place only due to the rash and negligent driving on the part of the bus belonging to the transport corporation. The Tribunal, having rendered the above finding, fixed the total compensation at Rs.5,93,880/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of earning	42,000/-
2.	Transportation expenses	5,000/-
3.	Extra nourishment	10,000/-
4.	Attender charges	5,000/-
5.	Pain and suffering	20,000/-



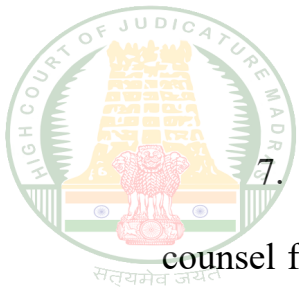
<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
6.	Compensation for continuing permanent disability	2,70,000/-
7.	Medical bills	2,41,880/-
	Total	5,93,880/-

The above compensation was directed to be paid with interest at 7.5 % p.a. from the date of petition. Aggrieved by the same, the transport corporation has filed the present appeal.

4. Heard learned counsel for appellant and learned counsel for respondent.

5. The main ground urged by learned counsel for appellant is that the Tribunal had awarded a sum of Rs.2,41,880/- towards medical bills whereas the entire medical expenses was reimbursed to the claimant by the insurance company. Therefore, it is contended that the claimant is not entitled for any compensation.

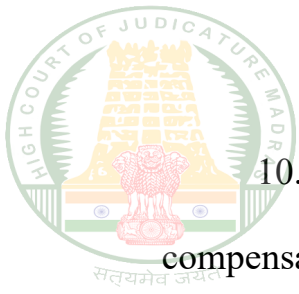
6. This Court has considered the rival submissions and perused the materials available on record. This Court also went through the award passed by the Tribunal.



7. This Court finds force in the above submission made by learned counsel for appellant. It is clear from the discharge summary that the insurance company had approved Rs.2,52,775/- towards medical expenses and therefore, the Tribunal was not right in awarding compensation under the head 'medical bills'. Accordingly, the same is hereby set aside.

8. Even though the transport corporation is on appeal, this Court has to see whether the compensation granted under various heads is just and fair. Considering the fact that the accident is of the year 2022, this Court is inclined to fix a sum of Rs.10,000/- per percentage of disability and accordingly, the compensation under the head 'disability' is fixed at Rs.3,00,000/- [10000 * 30].

9. The claimant was treated as an inpatient for 17 days and underwent one surgery. Considering the nature of injury sustained, this Court is inclined to enhance the compensation under the heads 'transport expenses', 'extra nourishment', 'attender charges' and 'pain and suffering' to Rs.10,000/-, Rs.25,000/-, Rs.15,000/- and Rs.35,000/- respectively. The compensation granted under the other heads is just and reasonable and does not require the interference of this Court.



10. In the light of the above discussion, this Court modifies the compensation in the following manner:

Sl. No.	Compensation awarded under the head	Amount by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Loss of earning	42,000/-	42,000/-
2.	Transportation expenses	5,000/-	10,000/-
3.	Extra nourishment	10,000/-	25,000/-
4.	Attender charges	5,000/-	15,000/-
5.	Pain and suffering	20,000/-	35,000/-
6.	Compensation for continuing permanent disability	2,70,000/-	3,00,000/-
7.	Medical bills	2,41,880/-	-
	Total	5,93,880/-	4,27,000/-

11. The compensation awarded by the Tribunal at Rs.5,93,880/- is reduced to Rs.4,27,000/-. The appellant insurance company is directed to deposit the reduced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the respondent/claimant is entitled to withdraw the same on due application. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



N.ANAND VENKATESH, J.

gm

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In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

Consequently, connected miscellaneous petition is closed.

13-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Chief Judicial Magistrate/Presiding Officer,
Motor Accident Claims Tribunal,
Vellore.

Civil Miscellaneous Appeal No.2303 of 2026