



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.151 of 2022
and Cros. Obj. No.46 of 2026
and CMP Nos.1134 of 2022 & 28892 of 2025

CMA No.151 of 2022

The Managing Director
KSRTC Central Office
Bengaluru, Kolar Division,
Kolar, Karnataka State,
Office at New Bus Stand, Salem.

..Appellant

.vs.

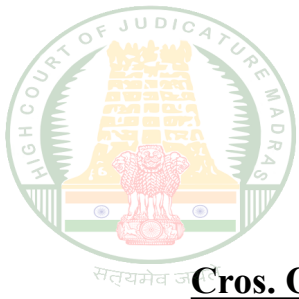
R.Dinesh Babu

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 01.02.2021 passed in MCOP.No.2098 of 2017 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge-I), Salem.

For Appellant : Mr.T.Thiyagarajan

For Respondent : Mr.R.Ruban Chakravarthy for
Mr.Kaithamalai Kumaran



Cros. Obj. No.46 of 2026

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R.Dinesh Babu

..Appellant

.VS.

The Managing Director
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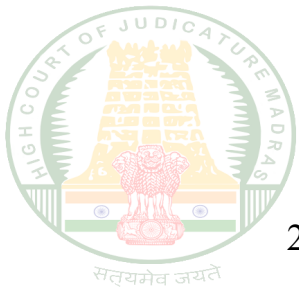
Prayer: Civil Miscellaneous Appeal filed under Section 41 Rule 22 of C.P.C., against the decree and judgment dated 01.02.2021 passed in MCOP.No.2098 of 2017 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge-I), Salem.

For Appellant : Mr.R.Ruban Chakravarthy for
Mr.Kaithamalai Kumaran

For Appellant : Mr.T.Thiyagarajan

COMMON JUDGMENT

This appeal has been filed by the Transport Corporation against the Award passed by the MACT, Special Sub Judge No.1, Salem in MCOP No.2098 of 2017 dated 01.02.2021.



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2.The Cross Objection has been filed by the claimant seeking for enhancement of compensation.

3.The case of the claimant is that on 19.06.2017, he was riding a two wheeler at Hosur-Salem Road and at about 17.15 hours, when the two wheeler was proceeding near the over-bridge, the offending vehicle which is the bus belonging to the appellant Corporation was driven in a rash and negligent manner and it hit the two wheeler from behind. As a result of which, the claimant was thrown out of the vehicle and sustained the following injuries:

- (i) Type 1 open shaft of femur fracture.
- (ii) Comminuted fracture patella left knee.

4.An FIR came to be registered against the driver of the bus in Crime No.402 of 2017. It is under these circumstances, the claim petition came to be filed before the Tribunal.

5.The appellant Transport Corporation filed a counter statement to the effect that on the date of accident, the bus had been stopped to enable two passengers to get down from the bus and at that point of time, the two



wheeler was driven in a rash and negligent manner and it dashed on the rear side of the bus and therefore, the entire negligence is attributable only to the rider of the two wheeler. Accordingly, the Transport Corporation sought for the dismissal of the claim petition.

6.The Tribunal on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that there was negligence both on the part of the driver of the bus as well as the rider of the vehicle and accordingly, fixed the negligence of the driver of the bus at 80% and contributory negligence of the rider of the two wheeler at 20%.

7.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.4,19,379/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Pain and Sufferings	30,000
Loss of Income	45,000
Medical Expenses	1,18,379
Transportation Charges	15,000
Extra Nourishment	15,000
Attender Charges	15,000
Damages to Clothes	1000



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Loss of Amenities	30,000
Permanent Disability	1,50,000
Total	4,19,379

8.Out of the above compensation, the Tribunal directed the appellant Transport Corporation to pay a sum of Rs.3,35,503/- as compensation with interest at the rate of 7.5% per annum.

9.Aggrieved by the same, the Transport Corporation has filed the present appeal and the claimant has filed the Cross Objection seeking for enhancement of compensation.

10.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondent.

11.The main ground that was urged on the side of the appellant Transport Corporation is that the very description of the manner in which the accident had taken place is completely different from what was pleaded in the claim petition and what ultimately came out in evidence. Therefore, it is contended that the claimant had approached the Tribunal by projecting a false case. It is further contended that the Tribunal did not properly



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appreciate the evidence of RW2, who is the driver of the bus and also the evidence of RW1, who is the Investigating Officer, who informed the Court that the criminal case was ultimately closed by filing a closure report on the ground that no negligence was found against the driver of the Transport Corporation.

12.Per contra, the learned counsel for the claimant submitted that the Tribunal had properly appreciated the oral and documentary evidence and had come to a conclusion that 80% negligence is attributable to the driver of the bus and 20% contributory negligence is attributable to the rider of the two wheeler and the said finding of the Tribunal does not warrant the interference of this Court.

13.It is further contended that the compensation awarded by the Tribunal under various heads are on the lower side and it requires enhancement.

14.This Court has carefully considered the submissions made on either side and also the materials available on record.



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15. Insofar as the issue of negligence is concerned, the Tribunal has dealt with the evidence of PW1, RW1 and RW2. The Tribunal had also taken into consideration the FIR that was registered (EX.P1) and the closure report that was marked through RW1. On appreciation of evidence, the Tribunal came to a conclusion that the accident had taken place both due to the negligence of the driver of the bus as well as the negligence on the part of the rider of the two wheeler. Accordingly, the Tribunal fixed 80% negligence on the driver of the bus and 20% negligence on the claimant. This finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court.

16. Insofar as the quantum of compensation is concerned, it is seen that the claimant had undergone treatment as an inpatient for nearly seven days and EX.C1 which is the Disability Certificate shows that the claimant had difficulty in squatting, sitting cross leg, climbing stairs and also walking on slopes. The Medical Board had assessed the disability at 30%. The Tribunal had rightly applied the percentage method, since the functional disability was not established by the claimant. However, the Tribunal had only taken Rs.5000/- per percentage for an accident which took place in the year 2017. This Court is inclined to fix Rs.6000/- per percentage and



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accordingly, the compensation under the head of disability is fixed as

1,80,000/- (Rs.6000/- x 30).

17.This Court is also inclined to enhance the compensation under the head of Pain and Suffering to Rs.50,000/-.

18.Considering the nature of injuries suffered by the injured and the fact that the accident had taken place in the year 2017 and the injured was aged about 25 years, this Court is inclined to fix the notional monthly income at Rs.10,000/- and accordingly, compensation under the head of loss of income is fixed at Rs.60,000/-(Rs.10,000/- x 6).

19.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

20.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Pain and Sufferings	50,000

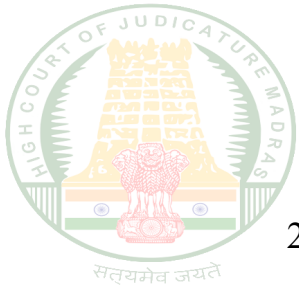


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Loss of Income	60,000
Medical Expenses	1,18,379
Transportation Charges	15,000
Extra Nourishment	15,000
Attender Charges	15,000
Damages to Clothes	1000
Loss of Amenities	30,000
Permanent Disability	1,80,000
Total	4,84,379

21.The compensation awarded by the tribunal at Rs.4,19,379/- is enhanced to Rs.4,84,379/-. The Transport Corporation is directed to deposit the enhanced compensation of Rs.4,84,379/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.65,000/- is concerned, the claimant will not be entitled for interest for the period of delay of 110 days as was ordered by this Court in C.M.P.No.16597 of 2026, dated 07.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



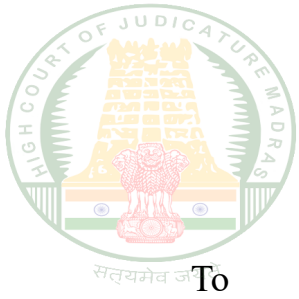
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22.This Court has confirmed the issue of negligence decided by the Tribunal. Hence, insofar as the enhancement of compensation is concerned, the appellant Transport Corporation will be liable for 80% out of Rs.4,84,379/-.

23.In the result, the appeal filed by the Transport Corporation is dismissed and the Cross Objection filed by the claimant is partly allowed. No Costs. Consequently, the connected miscellaneous petitions are closed.

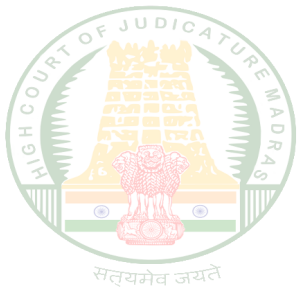
07.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
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The Motor Accident Claims Tribunal, (Special Sub Judge-I), Salem.



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N. ANAND VENKATESH., J

SSr

CMA No.151 of 2022
and CMA Nos.2344 & 2345 of 2018
and CMP Nos.17901 & 17910 of 2018

07.07.2026