



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 555 of 2024

AND

CMP No. 5503 of 2024

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The Managing Director
M/s. TNSTC Ltd, Trichy-1

..Appellant(s)

Vs

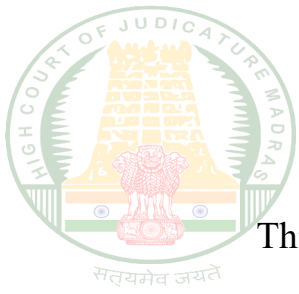
1. Arulselvam
S/o. Duraisami, 3/691, Gandhi Nagar,
Ranjankudi Post, Thevayur (North),
Perambalur District.
2. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited, No. 3/137, Salamedu,
Vazhuthareddy (Post),
Villupuram Taluk 605 401.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, seeking to set aside the Decree and Judgment dated 26.06.2023 made in MCOP No.754 of 2017 on the file of the Motor Accident Claims Tribunal/ Subordinate Judge, Perambalur, and be pleased to dismiss the above claim as against the appellant.

For Appellant(s): Mr.M.Murali Vinodh

For Respondent(s): R1 - Signed
R-2 - AOS Not filed



JUDGMENT

This appeal has been filed by the Transport Corporation against the award passed by the Presiding Officer, Motor Accident Claims Tribunal, Subordinate Judge, Perambalur in M.C.O.P.No.754 of 2017, dated 26.06.2023.

2. The first respondent is the claimant. The case of the first respondent is that he was riding a two-wheeler at Valikandapuram – Keezhapuliur Main Road on 31.03.2017, and at about 7.00 a.m., when the vehicle was near Valikandapuram Village, the offending vehicle, which is a bus belonging to the Transport Corporation, was coming in the opposite direction and it was driven in a rash and negligent manner. The bus dashed against the two-wheeler, as a result of which, the claimant sustained “*Fracture on his right leg and multiple injuries on his scalp and right thigh.*” An FIR was also came to be registered in Crime No.153/2017 against the claimant. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The appellant – Transport Corporation filed a counter and took a stand that the claimant was riding the two-wheeler in a rash and negligent manner, and he lost control of the vehicle and fell in front of the bus and the driver of the bus in order to avoid hitting the claimant, swerved bus to the left side. Hence, the Transport Corporation took a very clear stand that the entire negligence was on the claimant.

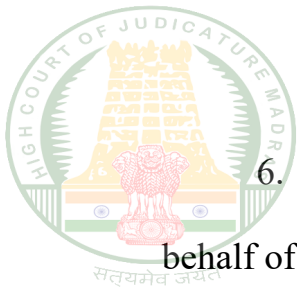


4. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that there was equal negligence on the part of the claimant and the driver of the bus and hence attributed 50% negligence on each party.

5. The Tribunal having rendered the above finding fixed the total compensation at Rs.18,40,302/- under the following heads:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income due to the disability	Rs.12,09,600/-
2.	Pain and Sufferings	Rs.1,00,000/-
3.	Loss of amenities	Rs.1,00,000/-
4.	Loss of income during medical treatment	Rs.24,000/-
5.	Attender charges	Rs.19,000/-
6.	Conveyance Charges	Rs.10,000/-
7.	Special diet	Rs.10,000/-
8.	Reimbursement of medical bills	Rs.3,67,702/-
	Total	Rs.18,40,302/-

Out of the above compensation, a direction was given to the Transport Corporation to pay a sum of Rs.9,20,151/- after deducting 50% towards contributory negligence, along with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the Transport Corporation.



6. This Court heard Mr.M.Murali Vinodh, learned counsel appearing on behalf of the appellant – Transport Corporation.

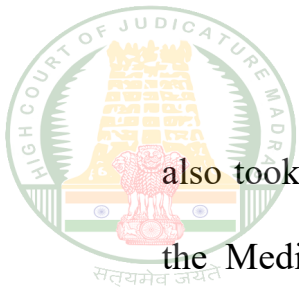
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7. The first respondent / claimant has been served with notice and the name of the first respondent also been printed in the cause list but there is no representation either in person or through counsel.

8. This Court carefully considered the submissions made by the learned counsel for the appellant – Insurance Company and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

9. The Tribunal while appreciating the evidence, came to the conclusion that it was a case of head-on collision and 50% negligence was attributed as against the driver of the bus as well as the claimant. This finding was rendered by the Tribunal after considering the evidence of P.W.1, R.W.1 and Ex.P9. This finding rendered by the Tribunal is perfectly in order and does not require interference of this Court.

10. Insofar as the compensation is concerned, the Tribunal took into consideration the fact that the claimant suffered a crush injury and bone fracture on his right leg and three surgeries undergone by the claimant. The Tribunal



also took into consideration Ex.C1, which is the disability certificate issued by the Medical Board, to the effect that the claimant suffered 50% permanent disability. Hence, the Tribunal found that the claimant suffered from functional disability and applied the multiplier method. The Tribunal took the annual income of the claimant as Rs.8,000/- for an accident which took place in the year 2017. Therefore, the compensation fixed under the head 'Loss of income due to disability' is not excessive. The compensation that has been fixed under the other heads is also found to be just and proper and does not require interference by this Court.

11. In the light of the above discussion, the award passed by the Tribunal is sustained. The Transport Corporation has already deposited a sum of Rs.4,00,000/- as per the interim order passed by this Court on 14.03.2024. The balance amount shall be deposited before the Tribunal in M.C.O.P.No.754 of 2017, along with interest at the rate of 7.5% per annum from the date of filing of petition till the date of deposit, within a period of six (6) weeks from the date of copy of this judgment. On such deposit, the claimant is entitled to withdraw the compensation amount along with accrued interest on due application. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



12. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, the connected miscellaneous petition stands closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Perambalur.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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N.ANAND VENKATESH J.

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