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CMA No. 2211 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2211 of 2026
and CMP No.16911 of 2026

The Managing Director,
Tamil Nadu Transport Corporation,
Kumbakonam

..Appellant(s)

Vs

1. K.Balachandar
S/o.Kaluva Devar
2. V.Muruganantham
S/o.Vaiyapuri
3. The Managing Director,
TNSTC Limited, Division I
Mettupalayam Road,
Coimbatore

..Respondent(s)

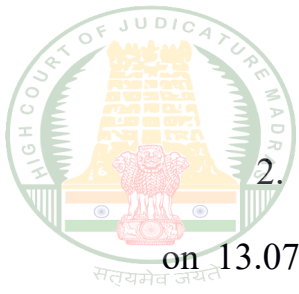
Civil Miscellaneous Appeal filed under under Section 173 of the Motor Vehicles Act, 1988 to set-aside the award dated 20.1.2024 made in M.C.O.P No.71 of 2020 on the file of the Exclusive Motor Accident Claims Tribunal, Tiruppur.

For Appellant(s):
For Respondent(s)

Mr.M.Murali Vinodh
Mr.K.Mayilsamy for R1

Judgment

This Civil Miscellaneous Appeal has been filed by the Transport Corporation against the award passed by the Exclusive Motor Accident Claims Tribunal, Tiruppur in M.C.O.P.No.71 of 2020 dated 20.01.2024.



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2. The 1st respondent is the claimant. The case of the claimant is that on 13.07.2019, he was travelling in a car and at about 22.30 hours, near a junction on the Kovai – Trichy Road, the bus belonging to the Transport corporation was driven in a rash and negligent manner came from the opposite direction and dashed on the car. As a result of which, the claimant suffered right humerus fracture, comminuted fracture of nasal bones on both sides and fracture of right 7th rib. ORIF with DCP has been fixed for the right humerus. The claimant underwent treatment as an inpatient for 9 days. 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 oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the transport corporation.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.3,04,251/- under the following heads :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Compensation for grievous injury	Rs.50,000/-
2.	Loss of Income	Rs.60,000/-



3.	Expenses towards transportation	Rs.10,000/-
4.	Expenses towards extra nourishment and attender charges	RS.30,000/-
5.	Damages towards his cloths and articles	Rs.5,000/-
6	Medical bills	Rs.89,251/-
7	Pain and suffering and loss of amenities	Rs.60,000/-
	Total	Rs.3,04,251/-

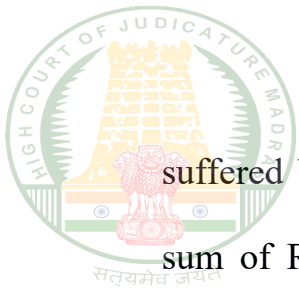
5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the Insurance company has filed this appeal.

6. Heard Mr.M.Murali Vinodh, learned counsel for appellant and Mr.K.Mayilsamy, learned counsel for the 1st respondent.

7. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. The main ground that was urged by the learned counsel for the appellant is that there was absolutely no proof with regard to the disability



suffered by the claimant. But, however, the Tribunal has fixed a consolidated sum of Rs.50,000/- under the head of disability. The learned counsel further submitted that the compensation that has been fixed under the other heads is excessive and it requires the interference of this Court.

10. Per contra, the learned counsel for the 1st respondent submitted that the Tribunal had properly fixed the compensation under various heads and the same does not require the interference of this Court.

11. In the considered view of this Court, insofar as the compensation that has been fixed under the head of disability, the Tribunal rendered a finding to the effect that the claimant did not appear before the Medical board for assessment of disability and did not produce any records to show that he has undergone further treatment. Despite rendering such a finding, the Tribunal proceeded to fix the consolidated amount of Rs.50,000/- under the head of disability.

12. If there is no proof for the disability suffered by the claimant and the claimant also does not appear before the Medical board for assessment of disability, an adverse inference has to be drawn. The Tribunal rightly came to the conclusion that the claimant had fully recovered from the injuries sustained in the accident. After rendering such a finding, the Tribunal could not have

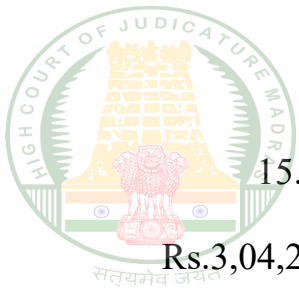


awarded a lump sum of Rs.50,000/- under the head of disability, as it would virtually amount to a charity given to the claimant. Such compensation awarded by the Tribunal is unsustainable and the same is hereby set-aside.

13. The compensation fixed under the other heads is just and reasonable and it does not require the interference of this Court.

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

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Compensation for grievous injury	Rs.50,000/-	
2.	Loss of Income	Rs.60,000/-	Rs.60,000/-
3.	Expenses towards transportation	Rs.10,000/-	Rs.10,000/-
4.	Expenses towards extra nourishment and attender charges	RS.30,000/-	RS.30,000/-
5.	Damages towards his cloths and articles	Rs.5,000/-	Rs.5,000/-
6	Medical bills	Rs.89,251/-	Rs.89,251/-
7	Pain and suffering and loss of amenities	Rs.60,000/-	Rs.60,000/-
	Total	Rs.3,04,251/-	2,54,251/-



15. The compensation awarded by the Tribunal is reduced from Rs.3,04,251/- to Rs.2,54,251-. It is brought to the notice of this Court that the entire compensation amount has already been deposited by the Appellant / Insurance company before the Tribunal. In view of the same, the claimant is entitled to withdraw the modified compensation amount of Rs.2,54,251/- along with accrued interest, after adjusting the amount, if any, already withdrawn. The balance amount along with accrued interest shall be refunded to the Appellant Insurance company. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

15-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA
To
The Exclusive Motor Accident Claims Tribunal, Tiruppur.



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N.ANAND VENKATESH J.

RKA

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