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CMA No. 2067 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2067 of 2026

AND

CMP NO. 15908 OF 2026

The Managing Director
T.N.S.T.C Ltd., Salem Division,
No.12 Ramakrishna Road,
Salem
(Regional Office at Dharmapuri)

..Appellant(s)

Vs

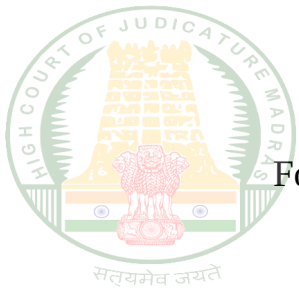
Vinayagam,
S/o.Munusamy,
Rest.at No.36 N.K.Nagar,
Palavan Sathu,
Bagayam,
Vellore.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgement and decree passed in MCOP.No.24 of 2018 passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore on 21-03-2025.

CMA No. 2067 of 2026

For Appellant(s): M/s.Nitin D
H.Poorni



For Respondent(s): Mr.M.Sivakumar

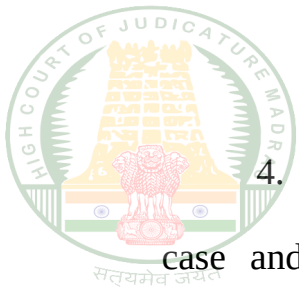
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Judgment

This Civil Miscellaneous Appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore in MCOP No.24 of 2018 dated 21.03.2025.

2. The respondent is the claimant in this case. The case of the claimant is that on 18.10.2017, he was travelling in the Government bus from Baluchetty Chathiram and at about 1.15 a.m., when the bus was nearing Kottarangkulam, it was driven in a rash and negligent manner and sudden brake was applied by the driver. As a result of which, the claimant was thrown away from the bus and the bus ran over the left leg of the claimant. As a result, the claimant sustained grievous injuries, which resulted in amputation of left leg above knee. It is under these circumstances; the claimant filed the claim petition before the Tribunal seeking for compensation.

3. The Transport corporation took the stand that the claimant was in an inebriated stage and he fell down from the bus due to his own negligence and sustained injuries and therefore, the appellant Corporation is not liable to pay the compensation.



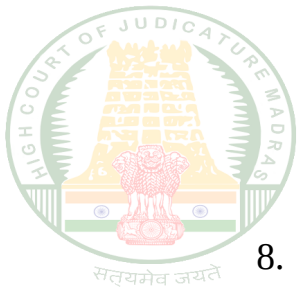
4. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the Government bus.

5. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.30,99,674/- under various heads as follows :-

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Compensation for disability	Rs.26,46,000/-
2.	Transportation expenses	Rs.30,000/-
3.	Extra Nourishment	Rs.1,00,000/-
4.	Attender Charges	Rs.45,000/-
5.	Pain and sufferings	Rs.1,00,000/-
6.	Medical Bills	Rs.28,674/-
7.	Loss of Marital status	Rs.50,000/-
8.	Future expenses	Rs.50,000/-
9.	Artificial Legs	Rs.50,000/-
	Total	Rs.30,99,674/-

6. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the Appellant Transport Corporation has filed this appeal.

7. Heard D.Nitin, learned counsel for appellant and Mr.M.Sivakumar, learned counsel for respondent.



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

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

10. The main ground that was raised by the learned counsel for the appellant is that the accident had taken place since the claimant was in an inebriated stage and he was not in control and as a result, he fell down from the bus and unfortunately, the tyre ran over the left leg. The learned counsel submitted that there was some amount of contributory negligence that is attributable against the claimant.

10. The other ground raised by the learned counsel for the appellant is that the compensation fixed under various heads by the Tribunal is on the higher side and it requires the interference of this Court.

11. In the case in hand, the Tribunal had appreciated the evidence and came to the conclusion that the driver of the bus had driven the bus at a high speed and on noticing the unevenness of the Road ahead, suddenly applied the brake. As a result of which, the claimant was thrown away from the bus. This



finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court. This Court must keep in mind that this accident

had taken place early in the morning at about 1.15 am and obviously, every other passenger would be sleeping in the bus and no body could have been thrown out of the bus in the same manner. Insofar as the compensation is concerned, the Tribunal has taken into consideration the disability certificate issued by the medical board, which was examined as Ex.C1. The Medical board had fixed 90% disability for the claimant. As per the discharge summary which was marked as Ex.P3, the claimant had sustained the following injuries :-

“Left femur open fracture; Extensive Laceration with degloving with vessel injury; left lower limb and perianal region, Right foot laceration, Hypertension”

For the said injury, it was diagnosed with left above knee amputation, debridement of Perineum and Laparotomy proceed diversion loop transvers colostomy by general surgery, left hip disarticulation.

12. The claimant was aged about 42 years at the time of the accident. Therefore, the tribunal found that the claimant certainly suffers from functional disability and hence, applied the multiplier method. Considering the fact that the accident had taken place in the year 2017, the Tribunal had rightly fixed the notional monthly income at Rs.14,000/- and calculated the compensation under the head of disability. Except under the three heads viz., loss of marital status,



future expenses and Artificial legs, the compensation fixed under the other heads is just and reasonable. Insofar as these three heads are concerned, the compensation has been granted without any supporting materials and hence, this Court is inclined to interfere with the same. Accordingly, the compensation granted under these three heads is set-aside.

13. 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 disability	Rs.26,46,000/-	Rs.26,46,000/-
2.	Transporation expenses	Rs.30,000/-	Rs.30,000/-
3.	Extra Nourishment	Rs.1,00,000/-	Rs.1,00,000/-
4.	Attender Charges	Rs.45,000/-	Rs.45,000/-
5.	Pain and sufferings	Rs.1,00,000/-	Rs.1,00,000/-
6.	Medical Bills	Rs.28,674/-	Rs.28,674/-
7.	Loss of Marital status	Rs.50,000/-	
8.	Future expenses	Rs.50,000/-	
9.	Artificial Legs	Rs.50,000/-	
	Total	Rs.30,99,674/-	Rs.29,49,674/-



14. The compensation awarded by the Tribunal at Rs.30,99,674/- is reduced to Rs.29,49,674/-. The Appellant Transport Corporation is directed to deposit the 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. The claimant is entitled to withdraw the compensation amount, as per the apportionment fixed by the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

08-07-2026

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

RKA

To

The Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore



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