

C.M.A.(MD)No.1244 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.04.2026

Pronounced on : 30.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.1244 of 2025

and

C.M.P.(MD)No.17404 of 2025

M/s.Tamilnadu State Transport Corporation Ltd.,
The Managing Director, Pudukottai.

... Appellant/
Respondent

Vs.

A.Ramesh

... Respondent/
Petitioner

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No. 434 of 2010 dated 24.01.2024 on the file of MACT, (IV Additional Sub Judge), Madurai and allow this civil miscellaneous appeal.

For Appellant : Mr.A.V.B.Krishnakanth

For Respondent : Mr.K.Kumaravel

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made



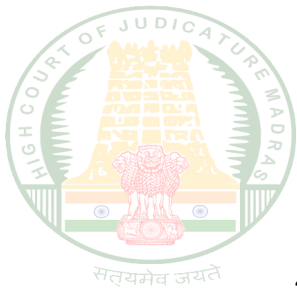
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in M.C.O.P.No.434 of 2010 dated 24.01.2024 on the file of the Motor Accident Claims Tribunal / IV Additional Subordinate Court, Madurai.

2. The appellant / Transport Corporation, who was mulcted with liability to pay compensation of Rs.13,81,000/- (Rupees Thirteen Lakhs and Eighty One Thousand only) with interest and costs to the respondent / claimant, for the disability sustained by him, consequent to an accident occurred on 21.08.2009, challenged the liability fastened on it and also the quantum of compensation awarded at, by the Tribunal.

3. The case of the respondent / claimant is that on 21.08.2009 at about 06.00 p.m., the respondent was driving an ambassador car bearing Registration No.TN-45-W-1035 from north to south on Vanjinagaram to Melur main road and while he was proceeding near Vanjinagaram Selvarj coconut grove, a bus bearing Registration No.TN-55-N-0489 belonging to the appellant, which came in the opposite direction, in a rash and negligent manner, dashed against the car and as a result of which, the respondent sustained multiple and serious injuries including bone injuries all over his body.

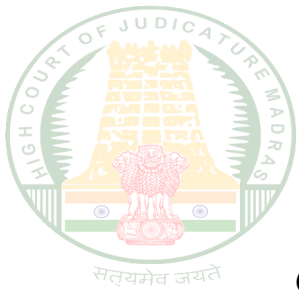


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4. It is the further case of the respondent that immediately after the accident, he was taken to Meenakshi Mission Hospital, Madurai and was given inpatient treatment from 21.08.2009 to 11.09.2009, that the respondent was aged about 27 years at the time of accident and he was working as a driver and was getting monthly income at Rs.10,000/- and that the accident was occurred only due to the rash and negligent driving of the bus driver.

5. The defence of the appellant / Transport Corporation is that the Bus bearing Registration No.TN-55-N-0489 started its journey from Madurai to Ponnamaravathi and at about 05.30 p.m., when the appellant's bus was proceeding near Vanjinagaram at Karunkalakudi on the left side of the road, the car driven by the respondent came in the opposite direction in a rash and negligent manner and on noticing the same, the bus driver brought the bus to a sudden halt to avoid head-on collision but the car driver unable to control his speed had dashed against the bus and that the respondent alone was responsible for the accident and the bus driver was not at fault.



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6. During trial, the respondent examined himself as P.W.1 and one Thangamuthu as P.W.2 and exhibited 10 documents as Ex.P1 to Ex.P10 and the case sheet produced by P.W.2 from the Meenakshi Mission Hospital came to be exhibited as Ex.X1. The appellant examined their driver Navaneethakrishnan as R.W.1 and adduced no documentary evidence. The disability certificate issued to the respondent by the Medical Board came to be exhibited as Ex.C1.

7. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned order dated 24.01.2024 holding that the accident was occurred only due to the rash and negligent driving of the bus driver and directed the appellant to pay the compensation of Rs.13,81,000/- with interest and costs. Aggrieved by the impugned award, the Transport Corporation has preferred the present appeal.

8. The respondent, who examined himself as P.W.1, has deposed about the manner of accident reiterating the claim petition contentions. According to P.W.1, when he was driving the car bearing Registration

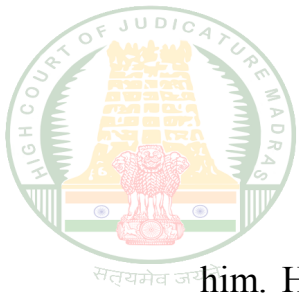


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No.TN-45-W-1035 from north to south on Vanjinagaram to Melur road by keeping the vehicle on the extreme left side of the road and at the place near Vanjinagaram Selvaraj coconut grove, the bus belonging to the appellant came in the opposite direction in a rash and negligent manner and dashed against his car and that the bus driver was responsible for the accident. As rightly observed by the learned trial Judge, though P.W.1 was subjected to cross-examination, nothing was elicited by the appellant in their favour and his evidence with regard to the manner of accident remained unshaken.

9. No doubt, the appellant examined their driver as R.W.1 and R.W.1, in his chief examination, has deposed that while the bus was proceeding near Vanjinagaram in a four way road, the ambassador car, which came in the opposite direction, came to the wrong side of the road and dashed against the bus and that the accident was occurred only due to the negligence of the car driver. In cross-examination, R.W.1 has admitted that FIR was registered against him and he does not know as to whether any final report came to be filed and that he has not preferred any complaint before the police higher officials for lodging a false case against



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him. He has also deposed that the accident was occurred in north south road and that he was proceeding from south to north direction but he denied a suggestion that the accident was occurred on the east of the north south road. The appellant has not chosen to examine the conductor of the bus or any other persons, who allegedly witnessed the occurrence.

10. It is pertinent to note that FIR came to be registered in Crime No.293 of 2009 on the file of Kottampatti Police Station under Sections 279 and 337 IPC against the bus driver. It is not the case of the appellant that their driver R.W.1 or their management has preferred any complaint before the police higher officials for registering false case against R.W.1 or taken any other legal action for the same.

11. As rightly contended by the learned counsel appearing for the respondent, there is absolutely no evidence to infer that the respondent had also contributed to the accident. Considering the evidence available on record, the Tribunal has rightly come to the conclusion that the accident was occurred only due to the rash and negligent driving of the bus driver and the said finding cannot be found fault with.



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12. Now turning to the quantum of compensation, the learned counsel appearing for the appellant would mainly contend that the respondent has neither suffered any permanent disability nor functional disability and that the Tribunal erred in adopting multiplier method for computing disability compensation.

13. The learned counsel appearing for the appellant would further submit that the Tribunal, without any basis, fixed the monthly income of the respondent as Rs.7,000/- and is excessive, that the amount claimed under the head of medical expenses as per Ex.P5 and Ex.P7 are also exaggerated, that the Tribunal failed to note that the medical bills are short of Rs.48,680/-, that the total compensation awarded at Rs.13,81,000/- is very much excessive and without any basis and that therefore, the compensation awarded is liable to be interfered with.

14. The learned counsel appearing for the respondent would submit that the respondent suffered multiple bone injuries and he was not in a position to work as a driver due to the injuries sustained, that the Medical Board has assessed the permanent disability at 56% and that the Tribunal,



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considering the medical evidence, has rightly applied the multiplier method and the same cannot be faulted.

15. The learned counsel appearing for the respondent would submit that immediately after the accident, he was admitted in Meenakshi Mission Hospital and CT scan brain was taken on that day itself and they have noticed the following;

1. *Thin extra axial haemorrhage noted in temporal region.*
2. *Haemorrhagic contusion noted in right basifrontal, right Capsuloganglionic and right temporal region, sellar and para sellar region.*
3. *Inter hemispheric bleed on right quadrigeminal cistern.*
4. *Pneumocephalus noted.*
5. *Undisplaced fracture involving left petrous part of temporal bone with bleed in mastoid air cells noted.*
6. *Displaced comminuted fracture involving right zygomatic bone and temporal bone extending to the greater wing of sphenoid and roof of orbit noted.*
7. *Fracture of frontal bone on both sides, fracture of naso ethmoid complex and sphenoid sinus noted, medial and lateral petrygoidson right side.*
8. *Haemosinus noted in all sinuses. soft tissue swelling noted over right frontal, orbital and maxillary region.*



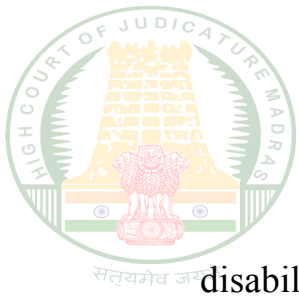
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9. *Visualized portions of cervical spine appears normal.*
10. *Screening chest - fracture involving right scapula noted.*
11. *Right lung - minimal apical pneumothorax with cavitation in upper lobe and bilateral patchy areas of consolidation seen in basal segments of right lower lobe and upper lobe.*
12. *Left lung - upper zone shows a calcified granuloma. no evidence of any fracture of ribs noted.*
13. *Bilateral minimal pneumothorax noted. Multiple centrilobular nodules seen in left lower lobe -> suggestive of infections etiology.*

16. It is evident from the records that the respondent was admitted on 21.08.2009 and was discharged on 11.09.2009 and was diagnosed to have multiple hemorrhagic contusion / multiple laceration over the right forehead, which includes bone injuries. It is evident from Ex.P3 issued by the Vasan Eye Care Hospital that they have noticed Relative Afferent Pupillary Defect in right eye and the visual loss is irreversible and he was explained about the poor visual prognosis in right eye. The Medical Board attached with the Madurai Medical College, upon examining the respondent, has issued the disability certificate under Ex.C1, wherein, they have stated that the respondent suffered hearing disability at 15% and with regard to vision defect disability was fixed at 30% and for plastic surgery



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disability at 5% and upon calculation, they have assessed the total disability at 56%.

17. The learned counsel appearing for the appellant would submit that the medical bills under Ex.P5 and Ex.P7 are short of Rs.48,680/- but the Tribunal, taking note of Ex.P5 and Ex.P7, has rightly awarded Rs.1,93,200/- as medical expenses and the objection in this regard cannot be sustained.

18. It is not in dispute that the respondent was working as a driver prior to the accident. The Tribunal, considering the nature of the injuries sustained by him, the resultant disability, the medical records, and the disability certificate issued by the Medical Board under Ex.C1, has rightly observed that the respondent had been deprived of pursuing his vocation as a driver and that the functional disability had resulted in a permanent loss of his future earning capacity. On that basis, the Tribunal rightly applied the multiplier method, and the same cannot be found fault with.

19. Though the learned counsel appearing for the appellant would contend that the Tribunal, without any basis, has fixed the monthly income



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at Rs.9,800/-. The Tribunal following the judgment of the Hon'ble Supreme Court in *Syed Sadiq Vs. United India Insurance Co. Ltd.*, reported in **2014 (1) TN MAC 459** and the judgment of the Division Bench of this Court in *Andal and others Vs. Avinav Kannan and another* reported in **2019 (1) TN MAC 54** and taking note of the cost inflation index, fixed the notional monthly income of the respondent at Rs.7,000/-. The Tribunal adopted the Cost Inflation Index for the financial year 2008–2009 as 137. But, since the accident occurred on 21.08.2009, the Tribunal ought to have applied the Cost Inflation Index applicable to the financial year 2009–2010.

20. The Tribunal, as per the judgment of the Hon'ble Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and others* reported in **AIR 2017 SC 5157**, has rightly added 40% of the income towards future prospects and arrived at Rs.9,800/- as monthly income and the same cannot be faulted. The Tribunal, applying the dictum laid down by the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and another* reported in **2009 (2) TN MAC 1 (SC)**, has rightly applied multiplier 17 and thereby, arrived at loss of future



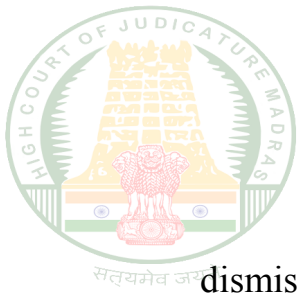
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earnings at Rs.11,19,550/-. Hence, the same cannot be found fault with and there is nothing to interfere with the amount arrived at by the Tribunal.

21. Moreover, as rightly contended by the learned counsel appearing for the respondent, the Tribunal has awarded only Rs.50,000/- towards pain and suffering, Rs.2,500/- towards transport expenses, Rs.10,000/- towards extra nourishment and Rs.5,750/- towards attendant charges. The amounts awarded under the above heads cannot, by any stretch of imagination, be said to be excessive and are, if at all, on the lower side. Hence, the contention of the learned counsel appearing for the appellant that the Tribunal has awarded excessive compensation is devoid of merits.

22. The Tribunal has specifically observed that though the claim petition was filed seeking Rs.9 lakhs as compensation, as per the decision of the Hon'ble Apex Court in the case of *Nagappa Vs. Gurudayal Singh* reported in **2003 ACJ 12 (SC)**, to arrive fair and just compensation, is entitled to award enhanced amount over and above the original claim and the said finding cannot be found fault with. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be



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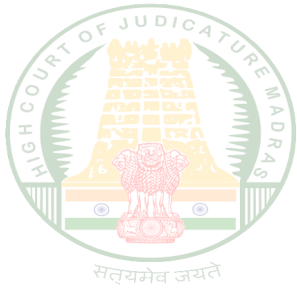
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dismissed. Considering the other facts and circumstances, this Court, further decides that the parties are to be directed to bear their own costs.

23. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant / Transport Corporation is directed to deposit the entire compensation amount as awarded by the Tribunal with interest and costs from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.434 of 2010 on the file of the Motor Accident Claims Tribunal / IV Additional Subordinate Judge, Madurai, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent / claimant is permitted to withdraw the amount together with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected miscellaneous petition is closed. The parties shall bear their own costs.

30.06.2026

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K.MURALI SHANKAR,J.

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To:

1. The IV Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Judgment made in
C.M.A.(MD)No.1244 of 2025
and
C.M.P.(MD)No.17404 of 2025

Dated : 30.06.2026