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C.M.A.No.337 of 2014

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 20.03.2023

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**THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN**

C.M.A.No.337 of 2014

and

M.P No.1 of 2014

The Managing Director  
Tamil Nadu State Transport Corporation  
(Coimbatore Division- 2) Ltd.,  
Chennimalai Road, Erode District

.. Appellant

vs.

1.Chinnapayan  
2.S.K.Perumal

.. Respondents

Prayer: The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 25.02.2013 passed in MCOP No.2 of 2011 on the file of the Motor Accident Claims Tribunal/IV Additional District Judge, Erode District, Bhavani.



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For Appellant : Mr.M.Murali Vinodh

For Respondent : Mr.C.Kulanthaivel for R1  
No Appearance for R2

## J U D G M E N T

The Civil Miscellaneous Appeal on hand is preferred against the judgment and decree passed in MCOP No.2 of 2011 dated 25.02.2013 by the Motor Accident Claims Tribunal/ IV Additional District Judge, Erode District, Bhavani.

2. The Tamil Nadu State Transport Corporation Ltd., who filed this appeal questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal.

3. The learned counsel appearing on behalf of the appellant mainly contended that the Tribunal has awarded excess compensation under various



heads. This apart, as far as the negligence aspect is concerned, the respondent in an inebriated condition fell down on the road side and the transport corporation was not involved in the accident. The entire negligence is on the part of the claimant. The Tribunal failed to consider the evidence of driver. At the outset, it is contended that the over all compensation granted by the Tribunal is exorbitant and not in commensuration with the gravity of the injuries sustained by the respondent/claimant.

4. The learned counsel appearing on behalf of the respondent/claimant disputed the contention by stating that the grievousness of the injuries and the amputation in right big toe suffered by the respondent/claimant incapacitated him from performing his normal and routine duties. Considering the grievousness of the injuries, the Tribunal awarded the compensation and there is no excessive award and accordingly, the appeal is liable to be dismissed.



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5. The accident occurred on 23.09.2010 at about 9.30 p.m, at Bhavani New Bus stand, near Toilet Room. The Bhavani Police Station registered a case in Crime No.454 of 2010 under Sections 279 and 337 IPC. The respondent/claimant sustained multiple grievous injuries in his left leg foot, chest and amputation of right foot which resulted in permanent disablement. He had taken treatment as inpatient for which Ex.P9 discharge summary was filed. Thereafter, the claim petition was filed. The Tribunal adjudicated the issues with reference to the documents and evidences produced by the respective parties. As far as the negligence is concerned, the Tribunal based on the FIR-Ex.P1 document, observation mahazar-ExP2, rough sketch Ex.P13 and MVI report-Ex.P3, arrived a conclusion that the accident occurred due to the rash and negligent driving of the driver of the bus bearing Registration No.TN-33-N-2063 belonging to the appellant/Transport Corporation. Thus, the appellant/Insurance Company was directed to pay compensation to the respondent/claimant.



6. A perusal of Ex.P4 wound certificates issued by the Government

Hospital, Bhavani and Government, Erode which would reveal that the age of the claimant was 60 years at the time of accident and due to the accident, the claimant sustained crush injuries in his right foot. As seen from Ex.P9 discharge summary, the claimant has taken treatment from 25.09.2010 to 13.10.2010. Considering the age and avocation of the claimant, the Tribunal has rightly fixed the monthly income as Rs.4,500/-. The doctor assessed the disability at 40%, however, the Tribunal reduced the same to 25%. As far as the quantum of compensation is concerned, this Court is of the considered opinion that the 1st respondent/claimant has suffered not only grievous injuries, but also his right big toe got amputated. Considering the fact that the disability is permanent, the Tribunal has rightly awarded a sum of Rs.1,08,000/- ( $4500 \times 25/100 \times 12 \times 8$ ) towards disability compensation by applying multiplier method and hence, it does not call for any interference by this Court.



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7. The other heads under which compensation was awarded by the Tribunal appears to be just and fair and they also deserve no interference by this Court.

8. In the result, this Civil Miscellaneous Appeal is dismissed and the Award dated 25.02.2013 passed by the Tribunal in MCOP No.2 of 2011 is hereby confirmed. The appellant-Transport Corporation is directed to deposit the award amount of Rs.1,54,350/- with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the Tribunal is directed to transfer the award amount to the bank account of the claimant along with accrued interest through RTGS within a period of two weeks thereafter. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No  
Speaking Order/Non-Speaking Order  
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To

1.The Motor Accident Claims Tribunal,  
IV Additional District Judge,  
Erode District, Bhavani.

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



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A.A.NAKKIRAN, J.

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