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CMA.No.2201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2201 of 2023 and
C.M.P.No.21181 of 2023

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

... Appellant

vs.

1. Subramaniam
2. Kanakaraju

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated 06.01.2023 in M.C.O.P.19/2016 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Pollachi.

For Appellant	:	Mr.M.Murali Vinodh
For R1	:	Mr.R.Nandha Kumar
For R2	:	No appearance

J U D G M E N T

Questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal, Pollachi in M.C.O.P.19/2016, the present appeal is filed by the appellant, the Managing Director, Tamilnadu State Transport Corporation (Coimbatore Division).



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2. The claimant / 1st respondent filed a claim petition under Section 166 of Motor Vehicles Act, in M.C.O.P.19/2016 before the Motor Accident Claims Tribunal, Pollachi, seeking compensation of Rs.5,00,000/- for the injuries sustained by him, in a road accident which happened on 31.08.2015.

3. The brief case of the claimant is as follows :

On 31.08.2015, the claimant was riding his two wheeler bearing Registration number TN 41 AC 3483 XL Super, on Pollachi - Coimbatore Road. When he was nearing Mani Maligai, Pollachi at about 12.00 noon, a speeding bus bearing Registration number TN 37 B 1707 belonging to appellant, Tamilnadu State Transport Corporation, hit the two wheeler, as a result of which, the claimant fell down and sustained injuries. He was immediately rushed to Ram Polyclinic Hospital, Pollachi, where he was admitted as an inpatient for three days.

4. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration Number TN 37 B 1707



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belonging to the respondent was the cause of the accident and therefore, the respondent is liable to pay compensation to him.

5. The Tribunal after analysing the evidence on record, awarded a compensation of Rs.1,47,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellant / Tamilnadu State Transport Corporation has filed the present appeal under Section 173 of the Motor Vehicles Act.

7. Heard Mr.M.Murali Vinodh, learned counsel for the appellant / Tamilnadu State Transport Corporation and Mr.R.Nandha Kumar, learned counsel appearing for the 1st respondent.

8. Mr.M.Murali Vinodh, learned counsel for the appellant contended that though the claimant did not possess a valid driving licence on the date of accident, the Tribunal had wrongly fastened negligence on the part of the driver of the Corporation bus bearing Registration number TN 37 B 1707 and the same has to be set aside.

9. Per contra, Mr.R.Nandha Kumar, learned counsel appearing for the first respondent contended that the eyewitness in the instant case



had clearly deposed that the driver of the bus was rash and negligent in driving his vehicle and hit the two wheeler. Therefore, he prayed for dismissal of the appeal. He also contended that the Award passed by the Tribunal is commensurate with the injuries sustained by the claimant.

10. A perusal of the records shows that an FIR (Ex.P1) was registered by the Police against the driver of the appellant corporation bus. The bus is a heavy motor vehicle and the driver of the bus has a duty to drive his vehicle carefully. He should see on all the sides of the road while moving his vehicle. The accident took place on Pollachi - Coimbatore road which is normally a busy road. The driver of the State Transport Corporation bus ought to have been careful in driving the bus. Therefore, fastening negligence on the part of the Transport Corporation bus by the Tribunal is perfectly in order.

11. The claimant is an agriculturist and on account of the accident he has sustained injuries. The Medical Board attached to the Government Medical College Hospital issued certificate stating that the claimant has sustained 6% of partial permanent disability. The Tribunal has awarded just compensation under various heads as shown in the



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following tabular column:

S.No.	Heads	Amount
1	Loss of earnings	Rs.24,000/-
2	Transport to Hospital	Rs.5,000/-
3.	Extra nourishment	Rs.7,000/-
4.	Attender charges	Nil
5.	Future Medical expenses	Nil
6.	Damages for Clothes and Articles	Rs.3,000/-
7.	Medical Expenses	Rs.38,000/-
8.	Pain and sufferings	Rs.40,000/-
9.	Permanent Disability & Loss of Earning Power	Rs.30,000/-
	Total	Rs.1,47,000/-

12. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(ii) The quantum of compensation passed by the Tribunal is upheld.

27.08.2024

Index : Yes/No
Speaking/Non-speaking order
vum

R.HEMALATHA, J.

vum

To

1.The Motor Accident Claims Tribunal,

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Subordinate Court, Pollachi.

2. The Section Officer, VR Section,
Madras High Court, Chennai.

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