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C.M.A.No.3134 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3134 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishna Road,
Asthampatti,
Salem-636 007.

... Appellant/Respondent

Vs.

Lakshmi

... Respondent /Petitioner

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.1658 of 2021 passed by the Motor Accident Claims Tribunal, Special Sub-ordinate Court No.2, Salem on 09.01.2023.

For Appellant : Mr.D.Nitin



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J U D G M E N T

The appellant, who is the Tamil Nadu State Transport Corporation, is before this Court by way of this appeal to set aside the judgment and decree passed in M.C.O.P.No.1658 of 2021 by the Motor Accident Claims Tribunal, Special Sub-ordinate Court No.2, Salem on 09.01.2023.

2. On 13.11.2021, when the respondent/claimant was travelling in a two-wheeler bearing Registration No.TN 30 BZ 8057 driven by her grand son, Sathish Kumar, the bus bearing Registration No.TN 30 N 0963 belonging to the appellant Transport Corporation hit the two-wheeler, as a result, the respondent sustained injuries. Claiming compensation of Rs.10,00,000/- for the injuries sustained, the respondent/claimant preferred a claim petition before the Tribunal. The Tribunal has partly allowed the claim petition and awarded a sum of Rs.43,000/- with 7.5% interest from the date of filing the claim petition till the date of deposit to the



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respondent/claimant. Challenging the same, this Civil Miscellaneous Appeal has been filed by the Transport Corporation.

3. The learned counsel appearing for the appellant submits that the grandson of the claimant was riding the motorcycle with two others contrary to the Motor Vehicles Rules, in which, the respondent/claimant was one of the pillion riders on the alleged date of accident, due to which, the accident had happened. However, the Tribunal fastened the liability on the appellant/Transport Corporation's bus and based on Ex.P3/Medical Certificate issued by Salem Government Hospital that the claimant had taken treatment as in-patient from 13.11.2021 to 15.11.2021, and that the Certificate stated that there is no injury to the brain as seen from CT Scan report/Ex.P4, the Tribunal came to a conclusion that the claimant has sustained only simple injury and that apart, the Tribunal also discussed that the claimant has not produced the Disability Certificate by appearing before the Medical Board. Accordingly, the Tribunal came to a conclusion that the claimant sustained simple injuries on the basis of Ex.P3 and Ex.P4 and no



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evidence was placed by the claimant as to the income, however, the Tribunal has fixed the notional income of Rs.7,000/- per month and the amount awarded under the other heads is also on the higher side. Hence, he prays for allowing this appeal.

4. This Court gave its careful consideration to the submission advanced by the learned counsel appearing for the appellant and perused the materials available on record.

5. The Tribunal in its award has discussed about the manner in which the accident took place, the injuries sustained by the claimant, the treatment which she had undertaken for the same and the age of the claimant and avocation etc., Though the appellant/Transport Corporation claims that the grand son of the claimant, Sathishkumar, was driving the motor vehicle with two others contrary to the Motor Vehicle Rules, in which, the claimant was traveling as one of the pillion riders, and he was unable to control the vehicle at the place of the accident where the bus was coming on the



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opposite side and thereby, the accident had occurred, no independent evidence was produced by the appellant to prove the above fact and thereby, the Tribunal fastened the liability on the appellant/Transport Corporation. That apart, considering the injuries sustained by the claimant, based on the evidence and the Medical Certificate submitted by the claimant, the Tribunal came to a conclusion that the claimant has sustained only simple injuries and awarded the compensation of Rs.43,000/- for the injuries sustained by the claimant. However, a point is to be noted here that the claimant was admitted as inpatient in the Hospital on 13.11.2024 and was discharged on 15.11.2021 where she had undergone CT Scan and other medical tests. Though the claimant did not appear before the Medical Board for obtaining the Disability Certificate, she has produced around seven documents before the Tribunal, in order to substantiate her case that she has suffered serious injuries, as a result of the accident caused due to rash and negligent driving of the driver of the bus.



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6. Therefore, this Court is of the opinion that the Tribunal has carefully considered the age, income and avocation of the deceased, fixed at a notional income of Rs.7,000/- per month and the loss of income which she had suffered due to the injuries sustained as a result of the accident for one month, was Rs.7,000/- and the compensation awarded by the Tribunal towards the other heads is also justifiable. Accordingly, the award dated 09.01.2023 passed in M.C.O.P.No.1658 of 2021 by the Motor Accident Claims Tribunal, Special Subordinate Court No.2, Salem, is hereby confirmed.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed.

There shall be no order as to costs.

04.12.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

- 1.The Motor Accident Claims Tribunal,
Special Sub-ordinate Court No.2, Salem.
2. The Section Officer,
V.R. Section,
High Court, Chennai.



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M.DHANDAPANI, J.

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