



C.M.A.No.669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.669 of 2025

and

C.M.P.5351 of 2025

The Managing Director
Tamil Nadu State Transport
Corporation, Villupuram Region
Cuddalore Branch
Imperial Road,
Cuddalore.

... Appellant

vs.

Selvam @ Tamilselvam

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment that has been passed in this matter by the Motor Accident Claims Tribunal (Special Sub-Judge) at Cuddalore, in M.C.O.P.No.1805 of 2019, dated 11.10.2023, allow the appeal.

For Appellant : Mr.T.Chandrasekaran

For Respondent : Mr.M.Selvam



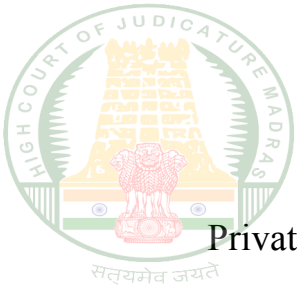
C.M.A.No.669 of 2025

J U D G M E N T

WEB COPY

Aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal (Special Sub-Judge), Cuddalore in M.C.O.P.No.1805 of 2019, dated 11.10.2023, the Appellant/Transport Corporation has come by way of this appeal.

2. It is not in dispute that the respondent herein suffered injuries in a road accident that had taken place on 05.08.2019 involving the bus belongs to the Appellant/Transport Corporation. According to the respondent/claimant, he parked his two wheeler on left hand side of the road in a Kothattai Bus Stop, Cuddalore to Chidambaram Main Road. The Driver of the Appellant/Transport Corporation had driven the bus in a rash and negligent manner and dashed against the vehicle of the respondent/claimant. As a result of the impact, the claimant was thrown away from the vehicle and he suffered fracture in left thigh and sustained injuries all over the body. He was in Hospital from 05.08.2019 to 20.08.2019. The fracture suffered by the claimant was treated with internal fixation. It is also stated that after discharge from the Government Hospital, injured had taken treatment in



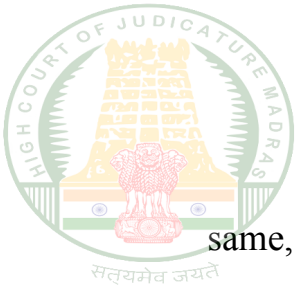
C.M.A.No.669 of 2025

Private Hospital also. The claimant laid a claim petition seeking compensation of Rs.10,00,000/-.

3. The claim petition was opposed by the Appellant/Transport Corporation on the ground that the injured/claimant attempted to cross the main road in a rash and negligent manner and hence, contributed to the accident. The averments made in the claim petition were also denied by the Appellant/Transport Corporation.

4. Before the Tribunal, the respondent/claimant was examined as PW.1 and on his behalf, 5 documents were marked as Exs.P1 to P5. On behalf of the Appellant-Transport Corporation, no one was examined and no documents were marked. The Disability Certificate issued by the Medical Board was marked as Ex.C1.

5. The Tribunal based on the evidence available on record came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the Appellant/Transport Corporation. The amount payable to the claimant was quantified at Rs.3,72,000/-. Aggrieved by the



C.M.A.No.669 of 2025

same, the Appellant/Transport Corporation has come before this Court.

WEB COPY

6. The learned counsel appearing for the Appellants/Transport Corporation would submit that totally the claimant was in hospital only for a period of 16 days and the Tribunal committed an error in awarding a sum of Rs.80,000/- under the head pain and sufferings and a sum of Rs.50,000/- under the head loss of amenities and the same requires reduction. The learned counsel further submits that the notional income fixed by the Tribunal at the rate of Rs.9,000/- is also on the higher side, when there is evidence to prove his income.

7. It is settled law that in case there is no evidence to prove the income, this Court can fix the notional income by taking into consideration the facts and circumstances of the case. In the case on hand, the claimant in his claim petition had stated that he was working as a Supervisor and earning a monthly salary of Rs.15,000/-. However, no documentary evidence has been let in to prove the avocation or income. Therefore, taking into consideration the date of accident and cost of living, the notional income has to be fixed.



C.M.A.No.669 of 2025

WEB COPY 8. In the case on hand, the accident had occurred in the year 2019.

The claimant in his averment restricted that claim regarding income at Rs.15,000/- per month. Therefore, this Court is inclined to fix the notional income at Rs.15,000/- per month taking into consideration the date of accident. Therefore, having regard to the period of hospitalisation and nature of injuries suffered by the claimant, this Court feels that the Tribunal was justified in granting loss of income for a period of 8 months. Therefore, the amount awarded by the Tribunal under the head loss of income is increased to Rs.1,20,000/-. The amount awarded by the Tribunal under the head pain and sufferings and loss of amenities are on higher side. Therefore, the same are reduced to Rs.52,000/- and Rs.30,000/- respectively. The other amounts awarded by the Tribunal under various other heads like Partial Permanent Disability, Extra Nourishment, Attender Charges, Transportation Charges are confirmed. Therefore, the total amount payable to the claimant is fixed at Rs.3,72,000/- as ordered by the Tribunal. Accordingly, the appellant has not made out any case to interfere with the award amount fixed by the Tribunal.



C.M.A.No.669 of 2025

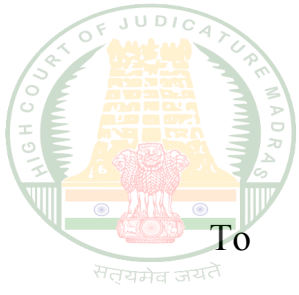
9. Hence, the Civil Miscellaneous Appeal is dismissed. No costs.

WEB COM

Consequently, the connected civil miscellaneous petition is closed.

07.03.2025

Index :Yes / No
Speaking order :Yes / No
Neutral Citation :Yes / No
dm



C.M.A.No.669 of 2025

To

WEB COPY

1.The Motor Accident Claims Tribunal
(Special Sub-Judge), Cuddalore.

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



WEB COPY



C.M.A.No.669 of 2025

S.SOUNTHAR, J.

dm

C.M.A.No.669 of 2025

07.03.2025