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C.M.A.Nos.1493 & 1494 of 2023 and C.M.P. Nos.15271 and 15274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	04.06.2025
Pronounced on	03.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.Nos.1493 & 1494 of 2023 and C.M.P. Nos.15271 and 15274 of 2023

The Managing Director

Tamil Nadu State Transport Corporation

(Kumbakonam) Limited,

Railway Station New Road,

Kumbakonam.

.... Appellant in both the CMAs

Vs.

Marimuthu

...Respondent in CMA No.1493/2023

Kalayairasi

...Respondent in CMA No.1494/2023

Prayer in CMA No.1493 of 2023 : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the judgment and decree made in M.C.O.P. No.89 of 2018 on the file of the Motor Accident Claims Tribunal, Sub Court, Mettur, dated 21.06.2022.



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Prayer in CMA No.1494 of 2023 : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the judgment and decree made in M.C.O.P. No.90 of 2018 on the file of the Motor Accident Claims Tribunal, Sub Court, Mettur, dated 21.06.2022.

For Appellant : Mr. C. Senapathi in both the appeals
For Respondent : Mr. M.R. Jothimanian
for sole respondent in both the appeals

COMMON JUDGMENT

The present appeals are preferred by the Tamil Nadu State Transport Corporation Limited, challenging the orders dated 21.06.2022, passed in M.C.O.P. No. 89 of 2018 and M.C.O.P. No.90 of 2018, respectively, on the file of the Motor Accident Claims Tribunal, Sub Court, Mettur.

2. For the sake of convenience, the parties are referred to as per their ranking in the Tribunal.



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3. The brief facts of the present appeal are as under.

3.1. On 14.11.2017, at about 3.30 p.m, the respondent/Transport Corporation bus bearing Registration No.TN 68N 0338 which was driven by its driver without observing traffic rules suddenly crossed the road and hit the Bolero car bearing Registration No.TN 36 R 7007 in which the petitioner and his family members were returning back to Mettur from Chennai and caused the accident, as a result of which, the petitioner and his family members sustained grievous injuries all over their body. The petitioners were immediately taken to Mandipakkam Government Hospital and thereafter, as per the advise of the doctors, they were taken to Ganga Hospital, Coimbatore. The petitioner/respondent in CMA No.1493/2023 has taken treatment as inpatient for 12 days, whereas the petitioner/ respondent in CMA No.1494/2023 has taken treatment as inpatient for 2 days in the said hospital. Hence, the respondent in CMA No.1493/2023 filed a claim Petition in MCOP No.89/2018 claiming compensation of Rs.30,00,000/- and the respondent in CMA No.1494/2023 filed a claim petition in MCOP



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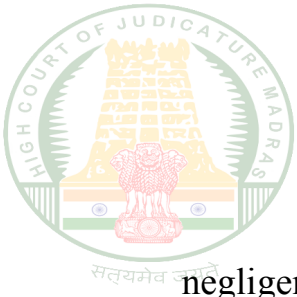
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No.90/2018 claiming a compensation of Rs.20,00,000/- for the injuries sustained by them in the said accident before the Motor Accident Claims Tribunal, Sub Court, Mettur.

3.2 The Tribunal considering the pleadings, the evidence on record and the arguments advanced by the respective counsel, directed the Transport Corporation to pay a compensation of Rs.2,93,531/- to the petitioner in MCOP No.89/2018 and a sum of Rs.2,50,725/- to the petitioner in MCOP No.90/2018 with 7.5% interest from the date of claim petition till the date of realisation.

4. Aggrieved by this, the present appeals are filed by the Transport Corporation.

5. The learned counsel for the appellant/Transport Corporation contended that though the driver of the transport Corporation bus turned the bus from hotel area to reach the road by proper signalling, the driver of the Bolero car could not stop the car since he drove the vehicle in a rash and



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negligent manner. Hence, the Tribunal ought to have fixed contributory negligence on the part of the driver of the car. He further submitted that the Tribunal had erred in awarding an exorbitant sum of Rs.1,00,000/- under the head of "pain and sufferings" and that awarding a sum of of Rs.50,000/- under the head of 'trauma' is unwarranted.

6. *Per contra*, the learned counsel for the respondent contended that the Tribunal, based on the oral and documentary evidence, awarded just compensation to the claimants and the same requires no interference by this Court and prays for dismissal of the present appeals.

7. Based on the FIR (Ex.P1), the Tribunal came to the conclusion that the alleged accident took place only because of the negligent act of the driver of the Transport Corporation bus. Though it is contended on the side of the appellant that the driver of the Bolero Car was at fault since the accident took place in the day light i.e. 3.30. p.m and therefore, the Tribunal ought to have fixed contributory negligence on the driver of the Bolero Car, there is nothing to show that the driver of the Bolero Car was at fault and that



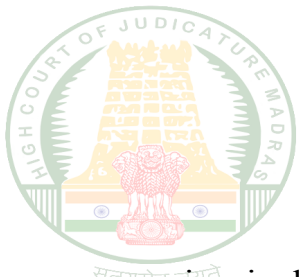
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despite the signal given by the driver of the Transport Corporation bus, the driver of the bolero car could not stop his vehicle. Hence, the Tribunal has come to the conclusion that the alleged accident took place only due to the negligent act of the driver of the Transport Corporation bus. Moreover, the appellant/Transport Corporation failed to examine any witness to speak about the manner of accident. In view of the above, according to me, the Tribunal has rightly appreciated the evidence let before it and has not committed any error in coming to the conclusion that because of the negligence on the part of the driver of the transportation corporation bus, the accident has occurred.

7.1. The Tribunal, based on the medical records on the side of the claimant/respondent (in both the appeals) has awarded just compensation for the injuries sustained by the claimant in the said accident, which requires no interference by this Court. However, the Tribunal while awarding a sum of Rs.1,00,000/- towards 'pain and sufferings', ought not to have awarded a sum of Rs.50,000/- under the head of trauma, which needs to be interfered.

7.2. Considering the facts and circumstances of the case, this Court



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is inclined to modify the compensation to be awarded to the claimant/respondent as follows:

C.M.A. No.1493/2023

S.No.	Head	Amount awarded by the Tribunal(Rs.)	Amount granted by this court (Rs.)
1.	compensation towards simple injuries	25,000/-	25,000/-
2.	Medical bills	98,531/-	98,531/-
3.	Pain and sufferings	1,00,000/-	1,00,000/-
4.	Trauma	50,000/-	-
5.	Transportation expenses	10,000/-	10,000/-
6.	Extra nourishment	10,000/-	10,000/-
Total		2,93,531/-	2,43,531/-

C.M.A. No.1494/2023

S.No.	Head	Amount awarded by the Tribunal(Rs.)	Amount granted by this court (Rs.)
1.	compensation towards grievous injuries	50,000/-	50,000/-
2.	Medical bills	30,725/-	30,725/-
3.	Pain and sufferings	1,00,000/-	1,00,000/-
4.	Trauma	50,000/-	-
5.	Transportation	10,000/-	10,000/-



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S.No.	Head	Amount awarded by the Tribunal(Rs.)	Amount granted by this court (Rs.)
	expenses		
6.	Extra nourishment	10,000/-	10,000/-
Total		2,50,725/-	2,00,725/-

8. In the result,

- The appeals are partly allowed. No costs. Consequently connected miscellaneous petitions are closed.
- The compensation awarded by the Tribunal in MCOP No.89/2018 is reduced to Rs.2,43,531/- from Rs.2,93,531 /- (C.M.A. No.1493/2023).
- The compensation awarded by the Tribunal in MCOP No.90/2018 is reduced to Rs.2,00,725/- from Rs.2,50,725 /- (C.M.A. No.1494/2023)
- The appellant/Tamil Nadu State Transport Corporation (Kumbakonam) Limited, is directed to deposit the compensation of Rs.2,43,531/- to the credit of M.C.O.P. No.89/2018 and a sum of Rs.2,00,725/- to the credit of M.C.O.P. No.90/2018 on the file of the Motor Accident Claims Tribunal, Sub Court, Mettur, along with



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interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, less the amount already deposited by them, within a period of six weeks from the date of receipt of a copy of this order.

- v. On such deposit being made, the claimant in the respective appeals are entitled to withdraw the same, after following due process of law.

03.07.2025

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Motor Accident Claims Tribunal, Sub Court, Mettur,
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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Pre-delivery Judgment made in

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