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C.M.A.No.1992 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.M.A.No.1992 of 2025

and

C.M.P.No.17481 of 2025

Managing Director
Tamil Nadu State Transport Corporation Limited,
Kancheepuram. ... Appellant / Respondent

vs.

Mathivanan S/o. Ponnuswamy ... Respondent / Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Award dated 21.04.2023 in M.C.O.P. No.51 of 2020 passed by the Motor Vehicles Accident Claims Tribunal, Viruthachalam / III Additional District Judge, Cuddalore, Virudhachalam and to dismiss the same.

For Appellant : Mr. G.R. Suresh Kumar



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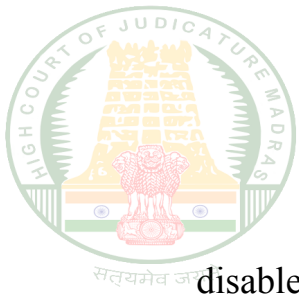
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JUDGMENT

(Judgment of the Court was made by P.DHANABAL,J.)

This Civil Miscellaneous appeal has been preferred as against the fair and decreetal order passed by the Motor Vehicles Accident Claims Tribunal / III Additional District Judge, Cuddalore at Virudhachalam in M.C.O.P. No.51 of 2020 Court dated 21.04.2023, wherein the respondent herein has filed a claim petition seeking compensation as against the appellant for the injury sustained by him in a Road accident and the Tribunal awarded a sum of Rs.23,19,289/- along with interest @ 7.5% per annum from the date of petition. Aggrieved over the said order, the present appeal has been preferred.

2. Before the Tribunal, the respondent herein filed a petition stating that the petitioner is residing in Melur Village, Thittakudi Taluk and he is aged about 50 years and he is doing Supervisor work in abroad and earning around Rs.1 lakh per month. While so, on 28.12.2019 at about 11 a.m., when he was standing at the left side of the Road near bus stand, the driver of a bus bearing Registration No.TN21 N 1733 had driven the bus in a rash and negligent manner and dashed against him. Due to that impact, the respondent sustained injuries all over his body and he was permanently



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disabled and therefore, he claimed Rs.25 lakhs towards compensation.

3. The appellant filed a counter by denying the facts and stated that on the date of accident, the respondent fell down due to his negligence and the driver of the bus drove the bus in a slow speed and the accident occurred due to the negligence on the part of the respondent and therefore, the respondent also contributed the negligence.

4. The Tribunal based on the above said pleadings, framed points for determination as to whether the accident occurred due to the negligence on the part of the driver of the bus and whether the respondent is entitled to the compensation and if so, what is the amount.

5. Before the Tribunal, on the side of appellant / respondent, the driver of the bus was examined as RW1 and on the side of the respondent / petitioner, he himself was examined as PW1 and marked Ex.P.1 to Ex.P.16. On the side of the appellant / respondent, no any documents were marked. Based on the oral and documentary evidences, the Tribunal awarded a sum of Rs.23,19,289/- . Aggrieved by the said order, the present Appeal has been preferred by the Transport Corporation on the ground of 'negligence' and 'quantum'.



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6. The learned counsel appearing for the appellant would submit that on the date of accident, the respondent himself fell down and sustained injuries and the driver of the bus is noway responsible for the accident and without minding the bus proceeding in a Road, the respondent attempted to cross the road and dashed against the bus. Therefore, he is also responsible for the accident, but the Tribunal without considering the same, fixed the liability only as against the driver of the bus. Further, the Tribunal adopted a multiplier method and without any material to prove the monthly income of the respondent, had taken the monthly income of the respondent as Rs.15,000/-. Therefore, the same is too high and the order passed by the Tribunal is liable to be set aside.

7. This Court heard the appellant side and perused the records.

8. Now the point is ***whether the findings of the Tribunal that the accident took place due to the negligence of the bus driver and fixing of the notional income of Rs.15,000/- per month are sustainable?***

9. In this case, before the Tribunal, the claimant was examined as

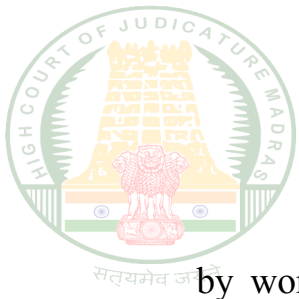


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PW1 and Ex.P.1 to Ex.P.16 were marked. On the side of the appellant / respondent, the driver of the bus was examined as RW1. As per the evidence of PW1, the accident took place due to the negligence on the part of the driver of the bus and FIR has also been registered as against the driver of the bus. Therefore, from the evidence of PW1 and FIR, Ex.P.1, it is clear that accident took place due to the negligence on the part of the driver of the bus. Per contra, on the side of the appellant / respondent, RW1, the driver of the bus has deposed that he drove the bus in a slow speed and the respondent / petitioner dashed against the bus. The Tribunal, by giving adequate reasons, accepted the evidence of PW1. Though the respondent stated that FIR was registered, after registration of FIR, no charge sheet was filed and the case was closed as 'mistake of fact', but no records were produced by him. Therefore, the Tribunal came to a fair conclusion that the accident took place due to the negligence on the part of the driver of the bus.

10. As far as the 'quantum' is concerned, there is no dispute that the respondent sustained injuries and his permanent disability is 71%, thereby the Tribunal has correctly adopted the multiplier method. Though the respondent pleaded in the petition that he was earning Rs.1 lakh per month



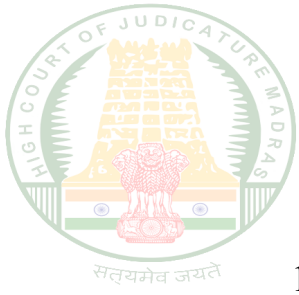
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by working as 'supervisor' in the abroad, no documents were produced.

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Therefore, the Tribunal has taken the notional income. The accident had taken place in the year 2019 and as per the *case in Andal and ors vs. Avinav Kannan and others in C.M.A. No.2330 of 2017*, for the year 2019, the amount was fixed as Rs.14,109/-. The Tribunal has fixed Rs.15,000/- and there is no much difference. Therefore, the Tribunal has correctly fixed the monthly income as Rs.15,000/-.

11. The learned counsel appearing for the appellant would submit that the Tribunal awarded a sum of Rs.1 lakh towards 'pain and sufferings' and the same is too high. The respondent was subjected for surgery and was fixed plates. Therefore, awarding a sum of Rs.1 lakh towards pain and sufferings is a reasonable one. The learned counsel appearing for the appellant has not disputed the other headings. Therefore, this Court finds no any illegality or perversity in the order passed by the Tribunal and the Award passed by the Tribunal is just and fair compensation and therefore, this Court is of the opinion that there is no merits in this appeal and this Court is inclined to dismiss this appeal without even issuing notice to the respondent at the stage of admission itself.



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12. Accordingly, the Civil Miscellaneous appeal is dismissed. The appellant is directed to deposit the entire amount with interest within **2 (two) months from the date of receipt of a copy of this order.** No costs.

The connected miscellaneous petition is closed.

(R.S.K.J.) & (P.D.B.J)

25.07.2025

mjs

Internet : Yes

Index:Yes/No

Neutral Citation:Yes/No

To

The Motor Vehicles Accident Claims
Tribunal, Viruthachalam /
III Additional District Judge,
Cuddalore,
Virudhachalam.



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R. SURESH KUMAR,J
and
P.DHANABAL,J

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