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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3205 of 2021

and

C.M.P.No.18307 of 2021

United India Insurance Co., Ltd.,
Tiruppur.

.. Appellant

Vs.

1.M.Arun Kumaran
2. A. Selvaraj
3. R. Selvaraj

.. Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated made in M.C.O.P.No.1030 of 2016 dated 26.02.2019 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruppur.

For Appellant : Mr.J.Chandran
For Respondents : Mr.Ma.P.Thangavel for R1
Died – R2
No appearance - R3

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant / Insurance Company against the award dated 26.02.2019 made in M.C.O.P.No.1030 of 2016 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruppur.



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2. The appellant is the 3rd respondent in M.C.O.P.No.1030 of 2016 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruppur. The claimant/1st respondent filed the above said claim petition claiming a sum of Rs.40,00,000/- as compensation for the injuries sustained by him in the accident that took place on 14.03.2016.

3. The Tribunal considering the pleadings, oral and documentary evidences held that the accident occurred only due to rash and negligent driving by the driver of the bus belonging the 2nd respondent and insured with the appellant-Insurance Company and directed the appellant, to pay a sum of Rs.21,98,000/- as compensation to the 1st respondent.

4. Aggrieved against the said award, the appellant / Insurance Company has come out with the present appeal.

5. The learned counsel appearing for the appellant / Insurance Company contended that the 1st respondent /claimant had travelled in the foot step of the bus. The Tribunal has erred in fixing entire liability on the appellant failed to appreciate the evidence on record that only duplicate copy of the



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Richmant Hospital records were filed and it is not original. He further submitted that the Tribunal failed to consider the facts that the records in the Hospital has mentioned alleged “slip and fall” and in Kovai Medical Centre it is mentioned as fall from bus. The Tribunal has failed to take into consideration that there is no major surgery treatments undergone by the claimant and no continuous treatment records after discharge from the hospital on 05.04.2016 till judgment on 26.02.2019. There is no medical bills, x-ray, CT scan, MRI scan or reports either for treatment taken at the time of assessment of disability and medical board also not given details of assessment of disability at 70%. He further submitted that the findings arrived at by the Tribunal is purely on its discretion rather than on the basis of either oral or documentary evidence available on record. The Tribunal erred in awarding an excess compensation of a sum of Rs.21,98,000/- for simple injuries sustained by the 1st respondent and prayed for setting aside the award passed by the Tribunal.

6. Per contra, the learned counsel appearing for the 1st respondent contended that the driver of the bus drove the bus in a rash and negligent manner and he applied the brake suddenly due to which the 1st respondent



was thrown out of the bus and sustained grievous injuries on head, hand shoulder and spinal chord and also all over the body and was admitted in the KMCH Hospital as in-patient for treatment. The accident occurred only due to rash and negligent driving by the 1st respondent/driver of the bus and belonging to the 2nd respondent and insured with the appellant/Insurance Company. The Tribunal has granted only a sum of Rs.21,98,000/- as compensation and the same is not excessive and prayed for dismissal of the appeal.

7. Heard the learned counsel for the appellant as well as the 1st respondent and perused the entire materials on record.

8. Upon perusing the materials available on record, on going through the manner of the accident, it is found that the 1st respondent was travelling in the bus at the foot step, but as per the evidence, it is seen that only due to the sudden application of the brake by the driver of the bus, the 1st respondent fell down from the bus. Therefore, there is no negligence on the part of the claimant/1st respondent. Hence the ground raised by the appellant is not sustainable. It is seen that the 1st respondent has contended that accident has



occurred only due to rash and negligent driving by the driver of the bus. To

substantiate his contention, the 1st respondent was examined as P.W.1, who deposed the manner of the accident. To corroborate the evidence of P.W.1, the respondent marked Ex.P1/copy of F.I.R. and Ex.P2/copy of Accident Register. There is no error in the above finding of the Tribunal warranting interference by this Court.

9. As far as quantum of compensation is concerned, the Tribunal has awarded a total sum of Rs.21,98,000/- as compensation for the injuries sustained by the 1st respondent, which is not excessive.

10. In the result, this Civil Miscellaneous Appeal is dismissed and sum of Rs.21,98,000/- (Rupees Twenty One Lakhs and Ninety Eight Thousand only) awarded by the Tribunal as compensation to the 1st respondent, along with interest and costs, is confirmed. The appellant-Insurance Company is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant/1st respondent is permitted to withdraw the award amount, less the amount



T.V.THAMILSELVI.,J
gv

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11. In the result, this Civil Miscellaneous Appeal is dismissed.

Consequently, connected Miscellaneous Petition is closed. No costs.

23.07.2025
(2/2)

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

To
1.The Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Tiruppur.

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

C.M.A.No.3205 of 2021
and
C.M.P.No.18307 of 2021