



CMA.No.606 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.606 of 2025 and
C.M.P.No.4779 of 2025

Managing Director
Tamil Nadu State Transport Corporation(Division I) Ltd,
NO.12, Ramakrishna Road, Salem-7 ... Appellant

Vs.

Arul ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the judgement and decree passed in M.C.O.P. No.104 of 2016 passed by the Motor Accident Claims Tribunal Principal Sub Court, Cuddalore on 15.10.2022.

For Appellant : Mr.D.Nitin
For Respondent : M/s.Ramya V.Rao

JUDGMENT

Aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, the Appellant Transport Corporation has come before this court by way of this appeal.



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2. It is not in dispute that the respondent/ injured claimant suffered injury in a road accident that had taken place on 24.10.2007, involving the bus belonging to the appellant corporation. It is the case of the claimant that he travelled in the appellant's bus on the fateful day and as a result of the negligent driving of the driver of the appellant corporation bus, there was a road accident. Due to the accident, the claimant sustained compound fracture, as a result of which the left index finger of the claimant was cut off. He also received grievous injuries on the left hand, head and legs. The claim petition was preferred by the claimants nearly after 12 years from the date of accident, seeking compensation of Rs5,00,000/-. The Tribunal quantified the compensation at Rs.1,59,000/-. Aggrieved by the quantum of compensation, the appellant corporation has come before this court by way of this appeal.

3. The learned counsel for the appellant corporation submitted that even as per the averments found in the claim petition, the injured claimant was a student at the time of accident and also at the time of filing of the claim petition. Therefore, the Tribunal committed an error



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4. The learned counsel for the respondent/ claimant submitted that as per the disability certificate issued by the Medical Board, the claimant suffered disability of 17%. If the ratio laid down in ***Master Mallikarjun Vs. Divisional Manager, National Insurance Co. Ltd., and another reported in 2013(2) TN MAC 338 (SC)*** is applied, the claimant would be entitled to more amount. Therefore, the award passed by the Tribunal cannot be treated as excessive.

5. The Medical Board, which issued the disability certificate (marked as Exhibit C1) assessed disability of the victim at 17% for whole body. As per the law laid down in ***Mallikarjun*** case, cited supra, in case of minor children, if disability is between 10% to 30%, a sum of Rs.3,00,000/- could be awarded as compensation. Hence, the total amount awarded by Tribunal cannot be treated as excessive. In the absence of any cross appeal by claimant, this Court is not inclined to enhance the award amount. The Hon'ble Apex Court in ***Mallikarjun*** case cited above held that in case of injury to the minor claimant, the Court can take into consideration the discomfort, inconvenience and



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loss of earning to the parents during the period of hospitalization. Even though the claimant was a student at the relevant point of time, taking into consideration the discomfort, inconvenience and loss of earning to the parents during the period of hospitalization, this court feels that amount of Rs.14,000/- awarded under the head temporary loss of income shall be treated as compensation towards discomfort, inconvenience and loss of earning to the parents. Therefore, the submission made by the learned counsel for the appellant corporation is rejected and the Civil Miscellaneous Appeal stands dismissed by confirming the award passed by the Tribunal. Consequently, the connected miscellaneous petition is closed. No costs.

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