



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1104 of 2023

1. T.Sambandam

S/o. Thambusamy, Pinnalur Post,
Chidambaram Taluk.

Appellant(s)

Vs

1. The Managing Director
Tamil Nadu State Transport
Corporation, Villupuram.

2.The Managing Director
Tamil Nadu State Transport
Corporation, Salem Ltd, Salem.

Respondent(s)

CMA No. 1104 of 2023

PRAYER

To set aside the Decree and Judgment passed in MCOP.No. 5 of 2017 dated 14.08.2018 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Villupuram.

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For Appellant(s): Mr.J.Prakasam

For Respondent(s): Ms. S. Shanthakumari For R1 Mr
D.Nitin For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the Decree and Judgment passed in MCOP.No. 5 of 2017 dated 14.08.2018 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Villupuram.

2. The brief facts of the case :

On 17.01.2006, at about 07.50 a.m, when the appellant was travelling in the Tamil Nadu State Transport Corporation bus bearing registration No. TN 27 N 2157 in order to reach Sengam from Panruti, the driver of bus driven the bus in a rash and negligent manner suddenly applied the brake due to which he was thrown away from his seat and sustained injuries. Thereafter, he filed the petition before the tribunal. After considering the oral and documentary evidence, the tribunal dismissed the petition by holding that the appellant has not proved that vehicle bearing registration No. TN 27 N 2157 was belongs to State Transport corporation, Salem and further has not proved



that said bus was involved in the said accident and FIR was closed as mistake of facts. Aggrieved the said findings the appellant preferred this appeal. Both Salem and Villupuram, Tamil Nadu State Transport Corporation are respondents herein.

3. At the time of the argument, the learned counsel for the Tamil Nadu State Transport Corporation, Villupuram, submits that bus bearing registration No. TN 21 N 2157 is not falls under the Villupuram Region, it falls under the Salem Region and the same was accepted by the second respondent/ Tamil Nadu State Transport Corporation, Salem. Therefore, in the said alleged accident bus belongs to the Villupuram, State Transport Corporation was not involved. Hence, the appeal against first respondent is dismissed.

4. The learned Counsel for the second respondent/Tamil Nadu State Transport Corporation, Salem, submits that the bus said to be involved in the said accident was not belongs to the Salem region and in fact no such registration was found in the Corporation. Admittedly, on the date of the accident appellant was travelling from Panruti to Sengam in the Tamil Nadu State Transport Corporation bus. According to him, he was travelled in that bus



bearing registration No TN 27 N 2157, after the said accident FIR was lodged in crime No. 253 of 2006 and later the investigating officer closed the case as mistake of fact.

5 Heard, submission of the learned counsel for the appellant and the second respondent.

6. The fact reveals that at the time of the accident, appellant was travelled in the bus bearing registration No. TN 27 N 2157, which belongs to the Tamil Nadu State Transport Corporation, due to the sudden brake applied by the driver of the bus the claimant/appellant sustained injuries, more particularly appellant sustained fracture in his left leg, left ankle. Immediately he was admitted in the Government Hospital, hospital, Thirukoilur, to that effect the claimant relied Ex.P2/Accident register dated 17.01.2006 and Discharge summary was marked as Ex.P3. As per Ex.P2 and Ex.P3 it shows that the accident was happened on the same day and immediately after the said accident he was admitted in the said hospital. Discharge Summary/Ex.P3 shows that suddenly after the accident he was taken to the said hospital where he took treatment. Therefore, it clearly proves that the appellant sustained injuries in the said accident. Even the second

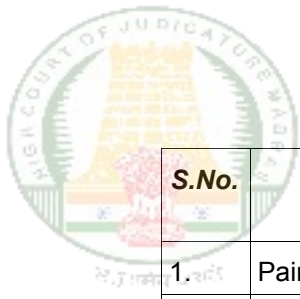


respondent refused to accept that said bus belongs to the Salem Region, however, its registration number proves that it belongs to the Salem Region.

Therefore, second respondent/ Tamil Nadu State Transport Corporation, Salem, is liable to pay the compensation.

7. The appellant sustained fracture in the accident, who was aged about 50 years and earned Rs.23,000/- per month at the time of the accident. To prove the functional disability he relied Ex.P6/disability certificate but it was not given by the medical board. Therefore, this Court fix 30% as disability and he has taken in-patient treatment in the hospital. Considering the year of the accident, this Court is inclined to fix Rs.2000 per percentage of disability. Accordingly, the claimant is entitled to Rs. 60,000/- under the head of disability.

8. The claimant has sustained grievous injuries he would have suffered lot of pains and also taken in-patient treatment. Hence, this Court is inclined to fix Rs.30,000/- for pain and sufferings and Rs. 4000 for attender charges. Further, this Court is inclined to award Rs.5000/- for transportation and Rs.5,000/- for extra nourishment.



S.No.	Head	Compensation awarded by this Court
1.	Pain and sufferings	Rs.30,000/-
2.	Loss of Income	Nil
3.	Medical Expenses	Nil
4.	Transportation expenses	Rs.5,000/-
5.	Extra Nourishment	Rs.5,000/-
6.	Attender charges	Rs. 4,000/-
7.	Damages to cloths and article	Nil
8.	Lost of amenities	Nil
9.	For permanent disability	Rs.60,000/-
10	Total	Rs.1,04,000/-

9. In view of the discussions made earlier, this Court is inclined to award Rs.1,04,000/- to the appellant. The 2nd **respondent** is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP.No. 5 of 2017 dated 14.08.2018 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Villupuram, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is permitted to withdraw the award amount by making formal application before the Tribunal.



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10. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Villupuram.

2. The Section Officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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