



WEB COPY

CMA No. 398 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 398 of 2023**

**and**

**CMP.No.22164 of 2024**

1. Managing Director  
Karnataka Transport Corporation,  
Chikkbellapura Division,  
Chikkbellapura District, Andhra  
Pradesh.

Appellant(s)

Vs

1. Madhesh  
S/o. Mr.Muniappan, No.2/270, 3rd  
Ward, parandapalli Village, Hosur  
Taluk, krishnagiri District.

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the judgment and decree dated 02/11/2021 passed in M.C.O.P.No. 858 of 2018 on the file of the Motor Accident Claims Tribunal (Special Sub Judge) at Krishnagiri.



For Appellant(s): Mr.T.Thiyagarajan

For Respondent(s): Mr. S.P. Yuvaraj

### **JUDGEMENT**

Challenging the entire liability fixed upon the appellant, the Karnataka Transport Corporation has preferred this appeal.

2. The learned counsel submitted that at the time of accident, the injured / respondent herein was travelling in a bus Reg.No.KA-02-AA-1054 as a passenger. The said bus was driven in a rash and negligent manner, and without noticing the bus belonging to the appellant, it dashed against the appellant's bus. As a result, one of the passengers sustained grievous injuries / the respondent herein. Therefore, there was negligence on the part of the registered vehicle KA-02-AA-1054. However, the Tribunal fixed the entire liability upon the appellant without contributory negligence to the oncoming vehicle. Hence, Therefore he prayed for modification of the liability. Further, he submitted that the Tribunal erroneously applied the multiplier method even though the respondent did not sustain any permanent disability.



WEB COPY

3. The learned counsel for the respondent / claimant raised objections, stating that the injured had sustained grievous injuries, and the Medical board assessed the disability at 40%. However, the Tribunal considered only 20% disability and applied the multiplier, which is legally sustainable. Therefore, he opposed the contentions of the appellant.

4. On a perusal of the records, it is noted that with respect to the negligence of the opposite vehicle KA-02-AA 1054, no evidence was adduced on the side of appellant before the trial Court. Moreover, the driver of the appellant's bus was also not examined. In the absence of any contrary evidence before the trial Court, the appellant's attempt to rely on the rough sketch alone to fix contributory negligence on the opposite vehicle is unsustainable. Hence, the fixation of entire liability upon the appellant does not warrant interference.

5. With respect to the compensation awarded by applying the multiplier method, the records reveal that the claimant sustained multiple injuries. The



Doctor certified 45% disability, but the Tribunal took only 25% and applied the multiplier, which also does not warrant interference.

6. Therefore, the Civil Miscellaneous Appeal is dismissed as being devoid of merits, and the findings of the Tribunal are confirmed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

**09-07-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri



CMA No. 398 of 2023



To

1. The Motor Accident Claims Tribunal  
(Special Sub Judge), Krishnagiri.

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



WEB COPY

CMA No. 398 of 2023



**T.V.THAMILSELVI J.**  
**rri**

**CMA No. 398 of 2023**  
**and**  
**CMP.No.22164 of 2024**

**09-07-2025**