



CMA No.2751 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2751 of 2023

and

CMP.No.25370 of 2023

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Division I,
37, Mettupalayam Road, Coimbatore.

... Appellant

Vs.

1.Supparayagounder

2.Jeyakumar

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the decree and judgement dated 24.07.2023 made in MCOP No.1324 of 2018 on the file of the Exclusive Motor Accident claims Tribunal, Presiding Officer, Tirupur.

For Appellant : Mr.M.Murali Vinodh
Standing Counsel for TNSTC

For R1 & R : No appearance.



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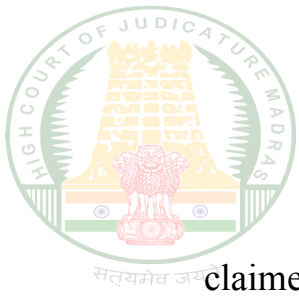
JUDGMENT

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The appellant has filed this appeal, to set aside the decree and judgement dated 24.07.2023 made in MCOP No.1324 of 2018 on the file of the Exclusive Motor Accident claims Tribunal, Presiding Officer, Tirupur.

2. Heard both sides.

3. The brief facts of the case of the appellant/claimant are as follows: On 25.04.2018 at about 10:30 a.m., when the claimant was riding a TVS XL moped bearing Registration No. TN 33 AV 2099 from south to north, near Muthurayan Kovil on the Pangampalayam to Koduvai Road, a TNSTC bus bearing Registration No. TN 33 N 1184, driven by the 1st respondent in a rash and negligent manner from the opposite direction (north to south), hit the petitioner. As a result, the claimant sustained grievous injuries to his head, a fracture on his right hand, and multiple injuries all over his body. He was initially taken to Rajaram Hospital, Koduvai, and later referred to PSG Hospital, Coimbatore for further treatment. The claimant, aged about 64 years, was an agriculturist and



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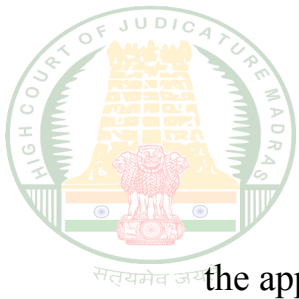
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claimed to be earning Rs.20,000/- per month. Due to the injuries sustained in the accident, he became unable to continue his avocation.

4. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.8,77,907/- as compensation, directing the appellant and 2nd respondent herein, to pay the said amount to the 1st respondent herein along with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

5. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. The learned counsel for the appellant submitted that the injured/claimant was 64 years old at the time of the accident and did not have a permanent avocation. Though he claimed to be an agriculturist, no proof was submitted to establish his income. The Tribunal, however, fixed his monthly notional income as Rs.7,000/-, which is excessive. Therefore,



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the appellant raised an objection to that aspect of the award.

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7. It is an admitted fact that the claimant was 64 years old at the time of the accident. There is no evidence to show that he was gainfully employed or earning Rs.20,000/- per month. Considering his age and avocation as an agriculturist without supporting documents, this Court is of the opinion that his notional income should be reasonably fixed at Rs.5,000/- per month. Accordingly, the compensation awarded towards loss of income is modified. For six months, the loss of income is calculated as $\text{Rs.5,000} \times 6 = \text{Rs.30,000/-}$. The compensation awarded under the other heads by the Tribunal is confirmed.

8. The following tabular column sets out the amounts awarded by the Tribunal and the modified amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.)	Amount (in Rs.) awarded by the
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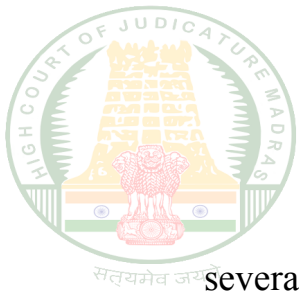
		awarded by the Tribunal	High Court
1.	Compensation for grievous injury	75,000	75,000
2.	Loss of income	84,000	30,000
3.	Transportation charges	10,000	10,000
4.	Extra nourishment and attender charges	50,000	50,000
5.	Damages towards his cloths and articles	5,000	5,000
6.	Medical bills	5,53,907	5,53,907
7.	Pain and suffering and loss of amenities	1,00,000	1,00,000
	Total	8,77,907	8,23,907

Thus, the compensation awarded by the Tribunal is reduced from Rs.8,77,907/- to Rs.8,23,907/-, which shall carry interest at the rate of 7.5% per annum.

9. The result: (i) The Civil Miscellaneous Appeal is partly allowed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

(ii) The compensation awarded by the Tribunal is reduced from Rs.8,77,907/- to Rs.8,23,907/-.

(iii) The appellant and 2nd respondent herein are jointly and



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severally liable to pay compensation amount, i.e., Rs.8,23,907/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 1324 of 2018 on the file of the the Exclusive Motor Accident claims Tribunal, Presiding Officer, Tirupur, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

iv. On such deposit being made, the claimant / 1st respondent herein is at liberty to withdraw the same, after following due process of law.

12.06.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
rri

To

1. The Exclusive Motor Accident claims Tribunal, Presiding Officer, Tirupur.
- 2.The Section Officer, V.R. Section, High Court of Madras.



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