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CMA.No.445 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTAR

CMA No.445 of 2025 and
CMP No.3190 of 2025

The Branch Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Tiruppur, Tiruppur Zone Branch-I,
Kangeyam Road, Tiruppur 641 601. ... Appellant

Vs.

1. Kowsalya
2. Paranjothi ... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to set aside the order dated 15.04.2024 made in MCOP No.872 of 2020 on the file of Special District Judge, Special District to deal with MCOP cases, Tiruppur.

For appellant : Mr.M.Murali Vinodh



CMA.No.445 of 2025

WEB COPY

JUDGMENT

Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant/ State Transport Corporation has come before this court by filing the present appeal.

2. It is not in dispute that the injured/first respondent met with a road accident that had taken place on 23.02.2020. According to the claimant/first respondent, she was travelling as a pillion rider in a two wheeler, driven by her husband and the cause for the accident was rash and negligent driving of bus bearing registration No.TN 39 N 0046 belonged to the appellant Corporation by it's driver. The claimant laid a claim petition seeking compensation of Rs.30,00,000/- for the injuries suffered by her and the Tribunal awarded a compensation of Rs.11,98,724/-. Aggrieved by the quantum of compensation, the Transport Corporation has come before this court.

3. The learned counsel for the appellant has not raised any argument on the aspects of negligence and liability and hence, the facts necessary for deciding those questions are not considered in the present appeal.

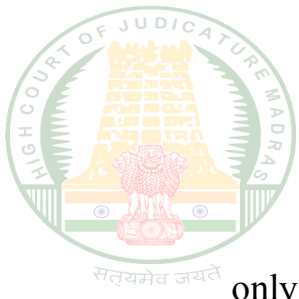


CMA.No.445 of 2025

WEB COPY

4. The learned counsel for the appellant vehemently contended that having regard to the nature of injury suffered by the victim, the amount of Rs.1,00,000/- each awarded by the Tribunal under the heads pain and sufferings and loss of amenities are unsustainable in law. He further submits that though the victim/claimant has not produced any documents to prove the income of the injured, the Tribunal fixed monthly income at Rs.12,000/- and applied multiplier method. The monthly income fixed by the Tribunal is very much on higher side.

5. The accident had occurred in the year 2020. Even if there is no evidence to prove the income of the injured, the Tribunal is entitled to fix notional income, by taking into consideration the year of accident and cost of living. The amount of Rs.12,000/- fixed by the Tribunal as notional income is very much on lower side, having regard to the year of accident (2020). The Tribunal atleast should have fixed a sum of Rs.16,500/- towards notional income and calculated compensation under the head loss of disability. Though the amount of Rs.1,00,000/- each , awarded under the heads pain and sufferings and loss of amenities are on higher side, in view of the fact that the Tribunal fixed



CMA.No.445 of 2025

WEB COPY

only a sum of Rs.12,000/- as monthly income of the claimant and applied multiplier method for calculating compensation by fixing functional disability of 16.25%, this court is not inclined to interfere with the above compensation of Rs.1,00,000/- each towards the pain and sufferings and loss of amenities. Therefore, I do not find anything to interfere with the award passed by the Tribunal.

6. Accordingly, the civil miscellaneous appeal is dismissed and the order passed by the Tribunal is confirmed. There shall be no order as to costs. Connected miscellaneous petition is closed.

19.02.2025

Index: Yes/No
Internet: Yes/No
mst

To

1. The Special District Judge,
Special District Court to deal with MCOP cases,
Tiruppur.



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CMA.No.445 of 2025

S.SOUNTHAR, J.

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CMA No.445 of 2025

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