



C.M.A.(MD)No.251 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.251 of 2020

V.Saravanan

... Appellant / Petitioner

Vs.

The Tamil Nadu State Transport
Corporation Ltd.,
Through the Managing Director,
Madurai.

... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order and decree made in M.C.O.P.No. 31 of 2018, dated 24.09.2019 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Madurai.

For Appellant : Mr.M.Thirunavukkarasu

Respondent : Mr.K.Sudalaiyandi,
Standing counsel



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JUDGMENT

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This Civil Miscellaneous Appeal is directed against the judgment and decree passed in M.C.O.P. No.31 of 2018 on the file of the Motor Accidents Claims Tribunal, Madurai, dated 24.09.2019.

2. The facts of the Case required for the disposal of the appeal in nutshell are as follows:

On 21.05.2017 at about 12:30 p.m., the appellant was riding his motorcycle bearing Registration No. TN 59 AD 3259 along Madurai-Alagarkoil Road in Madurai. Near Subham Tiffin Centre in K.K. Nagar, the driver of the bus bearing Registration No. TN 59 M 2079 drove the vehicle in a rash and negligent manner at high speed and dashed against the appellant's motorcycle from behind. Due to the impact, the appellant fell down and sustained multiple injuries. He was immediately taken to Vadamalayan Hospital and admitted as an inpatient from 21.05.2017 to 17.06.2017. Thereafter, for further effective treatment, he was shifted to Ganga Medical Centre at Coimbatore. At the time of the accident, the appellant was 48 years old and employed as a Regional Service Manager in Force Motors Limited, Chennai, drawing a salary of Rs.17,24,479/- per annum. Subsequently, he resigned and joined as a

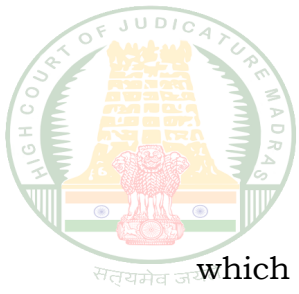


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partner in Deccan Fashioners Company, Madurai, working as an Accounts Manager and earning Rs.50,000/- per month. Due to the disability caused by the accident, he claimed that he was unable to continue his work. The respondent is the owner of the bus bearing Registration No. TN 59 M 2079. Seeking compensation for the injuries sustained, the appellant filed a claim petition claiming Rs.50,00,000/-.

3. To prove his case, the appellant examined three witnesses as P.W.1 to P.W.3 and marked Exhibits P-1 to P-29. The respondent examined one witness as R.W.1, marking Exhibits R-1 to R-4, and Court documents were marked as Exhibits X-1 and X-2.

4. Upon considering the evidence, the learned Tribunal concluded that the accident occurred solely due to the rash and negligent driving of R.W-1, namely, Malaichami. The learned Tribunal considered Exhibit P-2 (discharge summary from Vadamalayan Hospital), Exhibits P5, P8 and P10 (discharge summaries from Ganga Medical Centre, Coimbatore), and concluded that the appellant had sustained fracture of the right upper arm and underwent surgery. The appellant was referred to the Medical Board at Government Rajaji Hospital, Madurai,



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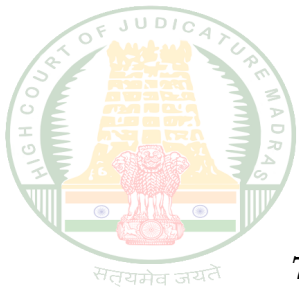
which assessed his partial permanent disability at 82%.

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5. The learned Tribunal considered the following:

- i) The appellant was 48 years old at the time of accident.
- ii) Exhibit P-24 (partnership document) showed that he was a working partner earning an amount of Rs.8,00,000/- per annum.
- iii) Exhibits P-18 (appointment order), Ex.P-19 (confirmation letter), Ex.P-20 (performance letter), and Ex.P-22 (resignation letter) showed that his earlier employment and salary with Force Motors.

6. The Tribunal concluded that the appellant had undergone continuous treatment from June 2017 to December 2017 and could not work during that period. It was reasonable to award loss of income for six months, estimating annual income at Rs.8,00,000/-, and granting Rs.4,00,000/- under this head. As the appellant continued to be a working partner and no evidence showed requirement of physical exertion, functional disability was not established. Hence, disability compensation was calculated at Rs.3,500/- per percentage, amounting to $\text{Rs.3,500} \times 82 = \text{Rs.2,87,000/-}$.



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7. Though most bills were settled by ICICI Lombard Insurance, Exhibits P3, P4, P6, P9 and P11 showed some disallowed amounts. Hence, the learned Tribunal awarded Rs.1,16,500/- towards medical expenditure. Based on diesel bills and salary paid to a driver (Exhibit P27), the learned Tribunal awarded Rs.41,700/- towards Transport to Hospital. Based on the exhibits P5, P8, P10 and rent receipts (Rs. 27,440) the learned Tribunal justified Rs.30,000/- towards attendant charges and stay expenses and an amount of Rs.5,000/- was granted towards extra nourishment. Thus, the total compensation awarded was Rs.9,02,000/- with 7.5% interest p.a. from the date of petition till realisation. Deposit was directed to be made via NEFT/RTGS into the MACT account, and advocate fee was fixed at Rs.17,500/-.

8. The learned counsel for the appellant assailed the award on the grounds that the learned Tribunal failed to appreciate that the textile partnership firm was rapidly growing and turnover was increasing yearly. Due to 80% disability of the right hand, he was practically incapable of performing work and should have been treated as 100% functionally disabled. Disability compensation of Rs.2,87,000/- was unjustifiably low. Pain and suffering at Rs.20,000/- was meagre and ought to have been enhanced to Rs.2,00,000/-. Loss of income ought to



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have been computed by applying the multiplier method, taking Rs. 50,000/- per month as income. More compensation ought to have been awarded for attendant charges, consultation fee, and other incidental expenses.

9. The learned counsel appearing for the respondent contended that the learned Tribunal had properly relied on Exhibits P2, P5, P8 and P10 showing fracture and surgery and that the disability was correctly assessed at 82% partial permanent disability, but not functional disability since no proof showed loss of earning capacity. He further contended that the Tribunal rightly awarded Rs.3,500/- per percentage, and no interference was warranted.

10. *Analysis:*

We have carefully considered the rival submissions, and it is clear that, the learned Tribunal duly appreciated the appellant's age, employment, income, and disability. Exhibits P-18, P-19, P-20, P-22, P-23, P-24 and P-32 conclusively showed his status as a working partner requiring no physical exertion. Therefore, disability being non-functional, the learned Tribunal rightly declined multiplier method and



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applied percentage-based compensation. The finding that six months of income loss was reasonable is supported by treatment records Exhibits P-5, P-8, P-10 and Exhibit P-2. The compensation under medical expenses, transport, nourishment, attendant charges, pain and suffering was computed strictly on documentary evidence.

11. Accordingly, this Court finds no reason to interfere with the well-reasoned award of the learned Tribunal. The compensation of Rs. 9,02,000/- with 7.5% interest p.a. is just and reasonable.

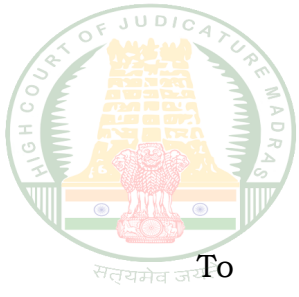
12. In view of the above, this Civil Miscellaneous Appeal is dismissed. No costs.

[P.V,J.]

[L.V.G,J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.,

AND

L.VICTORIA GOWRI, J.,

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