



C.M.A.(MD) No.800 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

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Tamilnadu State Transport Corporation,
Represented by its Managing Director, Kumbakonam Limited,
Periyamilaguparai,
Opposite to Collector,
Trichirappalli.

... Appellant/Respondent

Vs.

1.Muruganandam

... Respondent/Petitioner

2.Sivakumar

... Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under section 173 of Motor Vehicles Act to allow this appeal by setting aside the order and decretal order dated 28/11/2023 made in M.C.O.P.No.215 of 2022 on the file of the Motor Accident Claim Tribunal / Chief Judicial Magistrate Court, Karur.

For Appellant : Mr.K.Ramaiah

For Respondents : Mr.K.Sudalaiyandi for R1



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JUDGMENT

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This civil miscellaneous appeal has been filed to set aside the order and decretal order dated 28/11/2023 made in M.C.O.P.No.215 of 2022 on the file of the Motor Accident Claim Tribunal / Chief Judicial Magistrate Court, Karur.

2.The second respondent in M.C.O.P.No.215 of 2022 has filed this appeal challenging the quantum of award passed by the Tribunal. The first respondent had filed the above said MCOP, claiming compensation of Rs. 50,00,000/-, stating that on 25.01.2022 at 2.30 a.m. he was driving his lorry bearing registration No.TN 37-6199. The appellant transport corporation bus over took the lorry in a rash and negligent manner and dashed against his lorry and in the result his lorry rammed another ongoing Government Bus bearing registration No.TN 38 N 3459 and a lorry bearing registration No.TN 49 CA 2266. In result, the claimant sustained serious injuries all over his body. Therefore, FIR was registered against the appellant corporation bus driver. Due to the injuries he got admitted in a private hospital and took treatment as inpatient for several days and incurred huge medical expenditure. Thereafter he filed the claim



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petition claiming compensation of Rs.50,00,000/- stating that due to the accident he is unable to continue his profession as driver.

3.The appellant corporation filed a counter denying the negligence on part of the appellant Corporation bus driver and the accident happened due to the negligent driving of the injured and one Gnanasundaram also sustained injury and hence he also filed claim petition in MCOP.No.214 of 2022 and joint trial was conducted. Therefore they are not liable to pay the compensation. They also took a stand that the other vehicles were not impleaded as party and hence, the claim petition is bad for non-joinder of necessary parties.

4.The claimant to prove the case examined himself as PW1 and one more witness as PW2 and marked Ex.P1 to Ex.P16. On the side of the respondent no witness was examined and disability certificate was marked as Exs.C1 and C2.

5.The learned trial Judge after considering the evidence on record awarded the compensation in both MCOP and the appellant transport



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corporation challenged the quantum of Rs.19,39,501/- in respect of the M.C.O.P.No.215 of 2022 alone, which is as follows:

Sl. No.	Heads	Award amount in Rs.
1	Loss of earning capacity by way of multiplier method (Functional Disability)	6,24,000/-
2	Partial disability by way of percentage method	2,60,000/-
3	Pain and suffering	40,000/-
4	Transport expenses	10,000/-
5	Medical bills	9,73,501/-
6	Attendant Charges	10,000/-
7	Nutrition	10,000/-
8	Loss of Amenities	10,000/-
9	Loss of Damage to Clothes	2,000/-
Total		19,39,501/-

6.The learned counsel for the appellant would submit that the Tribunal erroneously applied the multiplier method and granted compensation and also granted exorbitant amount under the head of Medical expenditure. Therefore, he seeks to interfere with the award. This Court perused the impugned Judgment.

7.The learned trial Judge in para 13 of the Judgment, on the basis of the Medical Certificate, Wound Certificate and Discharge Summary namely Exs.P5, P6 & P8, summarised the injuries sustained by the



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claimant as follows.

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“Ex.P6 discharge summary shows that the petitioner was admitted in the Raj Ortho Hospital, Karur, on 25.01.2022 and discharge on 29.01.2022.

Diagnosis:-

COMMUNITED FRACTURE SHAFT OF FEMUR

Ex.P7 discharge summary shows that the petitioner was admitted in the Dr.Sankar's Ortho and Multispeciality Centre Hospital, Thanjavur on 05.02.2022 and discharge on 21.02.2022.

Diagnosis:-

FRACTURE SHAFT FEMUR – OPERATED ELSEWHERE – IMIL NAIL INSITU.

Ex.P8 discharge summary shows that the petitioner was admitted in the Neuro Life Hospital, Chennai, on 27.04.2022 and discharge on 18.05.2022.

Diagnosis:-

NON-UNION FRACTURE SHAFT OF RIGHT FEMUR WITH INFECTION AND TENURE FEMUR NAIL INSITU, TYPE 2 DM.”



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8.The medical board also assessed the disability on the basis of the injury as 92%. Injured is driver. In view of the above severe grievous injuries, he is unable to continue his profession as driver. The learned trial Judge also recorded the same after analysing the entire evidence. Therefore, the learned tribunal Judge considered the functional disability and consequential loss of earning power and correctly applied the multiplier method in paragraph No.16 of the order and rightly calculated the loss of income of Rs.6,24,000/-.

9.The claimant also took treatment periodically in private hospitals and incurred huge expenditure of Rs.9,73,501/-. To prove the same he produced the original medical bills. The learned trial Judge considered the medical bills and awarded the amount of Rs.19,39,501/- as total compensation. Therefore, this Court finds no ground to interfere with the award granted by the Tribunal.



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10. Accordingly, this Civil miscellaneous appeal stands dismissed.

No costs. The award passed by the tribunal in MCOP.No.215 of 2022 is hereby confirmed.

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

TM/sbn

To

1. The Chief Judicial Magistrate Court, Motor Accident Claims Tribunal, Karur.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN, J.

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