

C.M.A(MD)No.886 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.886 of 2025

and

C.M.P(MD)No.13742 of 2025

1.The Managing Director,
Tamil Nadu Transport Corporation, Kumbakonam,
Thanjavur District.

2.The Branch Manager,
Tamil Nadu Transport Corporation,
Thanjavur District.

: Appellants

Vs.

Minor.K.Saranraj

: Respondent

S/o.Kalidoss, father/next friend)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree passed by the Motor Accident Claims Tribunal cum Special Subordinate Court, Thanjavur in M.C.O.P.No.981 of 2023, dated 09.09.2024.

For Appellants : Mr.S.Michael Heldon Kumar

For Respondent : Mr.S.Ram Sundar Vijayraj



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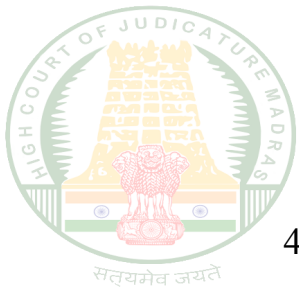
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The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.981 of 2023, dated 09.09.2024 on the file of the the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur.

2. The appellants/Transport Corporation, who was mulcted with liability to pay compensation of Rs.3,76,319/- with interest at 7.5% per annum to the respondent/claimant for the disability suffered by him, consequent to an accident occurred on 01.03.2023, challenged the liability as well as the quantum of compensation awarded at by the Tribunal.

3. The case of the claimant is that on 01.03.2023, when he was travelling in a bus bearing Registration No.TN-49-N-2010 in Mannargudi to Thiruthuraipoondi main road and at the place near Athichapuram Krishnamoorthy grocery stores; the bus driver drove the vehicle in a rash and negligent manner and collided with a van that was parked in front of the grocery shop and as a result of which, the respondent/claimant, who was in the bus, got injured.



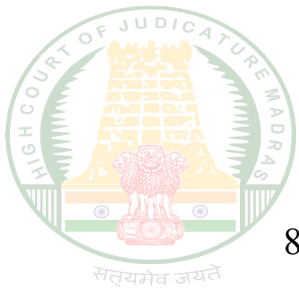
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4. The defence of the appellants/Corporation is that the claimant was traveling on the bus footboard when, near Krishnamoorthy groceries shop, a van unloading goods, collided with him, causing injuries.

5. During enquiry, the claimant examined himself as P.W.1 and exhibited 9 documents as Ex.P.1 to Ex.P.9. The respondents/Corporation adduced neither oral nor documentary evidence.

6. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the impugned award, dated 09.09.2024, holding that the driver of the respondent was responsible for the accident, directed the respondent to pay compensation of Rs.3,76,319/- with interest and cost.

7. Admittedly, FIR was registered against the bus driver. As rightly pointed out by the learned counsel for the respondent, in the absence of any contra evidence with regard to the negligence, the Tribunal considering the evidence available on record, has rightly come to the decision that the bus driver was responsible for the accident and as such, the same cannot be found fault with.



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8.Now turning to the quantum of compensation, it is pertinent to note that the Medical Board upon examining the claimant has fixed the disability at 15%. Though the accident was occurred in the year 2023, the Tribunal while adopting percentage method, has awarded Rs.5,000/- per percentage of disability, which is admittedly on lesser side. The claimant is certainly entitled to Rs.10,000/- per percentage. But, at the same time, in the absence of any evidence with regard to the functional disability, the Tribunal without any basis has awarded Rs.75,000/- for loss of convenience. Considering the above, this Court is of the view that the amount awarded by the Tribunal is to be confirmed.

9.In the result, the Civil Miscellaneous Appeal is dismissed and the judgment, dated 09.09.2024 passed by the Motor Accident Claims Tribunal cum Special Subordinate Court, Thanjavur in M.C.O.P.No.981 of 2023, is confirmed. The parties are directed to bear their own costs. Consequently, connected Miscellaneous petition is closed.

26.08.2025

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

1.The Motor Accident Claims Tribunal cum
Special Subordinate Court, Thanjavur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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