



C.M.A. (MD) No. 687 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 17.07.2025

CORAM:

**THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

C.M.A.(MD)No.687 of 2025  
and  
C.M.P.(MD)No.10923 of 2025

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
Office at No.2, Thiruvananthapuram Road,  
Vannarapettai,  
Tirunelveli.

... Appellant/  
Respondent

Vs.

Mohamed Salman

... Respondent/  
Petitioner

**Prayer :** This Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, to set aside the order of the Motor Accident Claims Tribunal, Special Sub Judge, Tirunelveli made in M.C.O.P.No. 1289 of 2022 dated 17.04.2024 and allow the appeal without costs.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.S.Senthil Sankara Natha Kumar

**JUDGMENT**



*C.M.A. (MD) No. 687 of 2025*

WEB COPY

The Civil Miscellaneous Appeal has been preferred by the Transport Corporation against the award dated 17.04.2024 passed in M.C.O.P.No. 1289 of 2022 by the Motor Accidents Claims Tribunal / Special Sub Judge, Tirunelveli.

2. The appellant / Transport Corporation, who was mulcted with the liability to pay a compensation of Rs.4,16,060/- (Rupees Four Lakhs Sixteen Thousand and Sixty only) with interest at 7.5% per annum to the respondent, for the disability suffered by him, consequent to an accident occurred on 08.04.2022, challenged the liability fastened on it and also the quantum of compensation awarded at by the Tribunal.

**3. The facts of the case are as follows :-**

On 08.04.2022 at about 09.45 a.m., when the respondent was travelling in a Suzuki Gixxer motorcycle bearing Registration No.TN-72-BD-5958 as a pillion rider near Esakkiamman Temple, Kurichikulam from West to East direction, a Government bus bearing Registration No.TN-72-N-1885, came in the opposite direction in a rash and negligent manner, and dashed against the two wheeler and as a result, the respondent along



*C.M.A. (MD) No. 687 of 2025*

with the rider of the two wheeler were thrown off and sustained grievous injuries. Then the claim petition was filed by the respondent seeking compensation of Rs.15,00,000/-.

4. The defence of the appellant in the claim petition is that the age, income, nature of injuries and the manner of the accident of the respondent are disputable. The rider of the two wheeler did not wear helmet and he was not possessing valid driving license. The claim of compensation is excessive and exorbitant.

5. The respondent to prove his case examined himself as P.W.1 and marked 4 documents as Ex.P.1 to Ex.P.4. On the side of the appellant, 1 witness was examined as R.W.1. 1 document was marked as court document as Ex.C.1.

6. The learned trial Judge, after considering the evidence, both oral and documentary, passed the impugned award dated 17.04.2024, holding that the appellant's bus driver was responsible for the accident and directed the appellant to pay the award amount of Rs.4,16,060/- with



*C.M.A. (MD) No. 687 of 2025*

WEB COPY

interest at 7.5% per annum to the respondent. Aggrieved by the said award, the Transport Corporation has come up with the present appeal.

7. The learned counsel appearing for the appellant would submit that the Tribunal, without considering the evidence in a proper perspective, has fixed negligence on the bus driver, that the Tribunal ought to have fixed contributory negligence for non-wearing of helmet and non-possession of valid driving license and that the amount awarded under the heads are on the higher side.

8. The learned counsel appearing for the respondent would submit that while the respondent was travelling in the two wheeler as a pillion rider, the appellant's bus, came on the wrong side of the road in a rash and negligent manner and dashed against the two wheeler, that FIR was registered against the bus driver, that after the accident, the respondent was immediately taken to TVMC Hospital, Tirunelveli and after first aid treatment, he was admitted in Rhock Hospital, Tirunelveli as inpatient on 08.04.2022 and was discharged on 15.04.2022 and he underwent surgery on 08.04.2022, that the respondent suffered fracture injuries on his right



*C.M.A. (MD) No. 687 of 2025*

leg and he is not able to sit, stand, walk or squat and is not in a position to do his normal avocation, that the respondent was aged 24 years at that time, that the respondent was working as a sales representative and was earning a sum of Rs.20,000/- per month, that the respondent had spent Rs.3,00,000/- towards medical expenses and that the amounts awarded under various heads are in accordance with law.

9. This Court considered the rival submission. Perused the records and also the impugned judgment.

10. As already pointed out, the appellant has examined its bus driver Sivaraj as R.W.1 and he would reiterate the contentions raised in the counter statement regarding the mode of accident. In cross-examination, he would admit that FIR came to be registered against him. As rightly observed by the learned trial Judge, the appellant has not examined any independent witness to support the evidence of R.W.1. Considering the evidence of P.W.1, the finding of the Tribunal that the bus driver alone was responsible for the accident, cannot be found fault with.



*C.M.A. (MD) No. 687 of 2025*

WEB COPY

11. The mere allegation of non-possession of a driving license or not wearing helmet, by itself cannot lead to the assumption that there was contributory negligence.

12. Now turning to the quantum of compensation, it is evident from the records that the respondent had been inpatient from 08.04.2022 to 15.04.2022 in Rhock Hospital, Tirunelveli. Hence, the Tribunal has rightly awarded Rs.30,000/- for pain and sufferings.

13. Though the respondent has taken a stand that he was working as a sales representative and was earning a sum of Rs.20,000/- per month, he has not produced any evidence to prove his income. In the absence of any evidence to show the income of the respondent, the Tribunal has rightly fixed the monthly income at Rs.15,000/- and as such, the same cannot be found fault with. Considering the period of treatment, nature of fracture injuries, nature of treatment and nature of work, the Tribunal has rightly granted loss of income for three months.

14. The Tribunal, taking note of the medical records available, has





*C.M.A. (MD) No. 687 of 2025*

WEB COPY

with MCOP cases, Tirunelveli, is confirmed. The appellant is directed to deposit the entire award amount with interest at 7.5% per annum and costs, from the date of petition till the date of payment, excluding the default period, if any, to the credit of M.C.O.P.No.1289 of 2022 on the file of the Motor Accident Claims Tribunal / Special Sub Court dealing with MCOP cases, Tirunelveli, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent is permitted to withdraw the amount along with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

**17.07.2025**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
csm/sbn



*C.M.A. (MD) No. 687 of 2025*

**To:**

1. The Special Subordinate Judge,  
Motor Accident Claims Tribunal,  
Tirunelveli.
2. The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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*C.M.A. (MD)No.687 of 2025*

**K.K.RAMAKRISHNAN,J.**

*csm/sbn*

**Judgment made in**  
C.M.A.(MD)No.687 of 2025  
and  
C.M.P.(MD)No.10923 of 2025

**Dated : 17.07.2025**