

C.M.A.(MD)No.916 of 2025

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DATED : 28.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.916 of 2025
and
C.M.P.(MD)No.13983 of 2025

The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division),
Pudukkottai.

... Appellant/
Respondent

Vs.

Ariraman

... Respondent/
Petitioner

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the order made in M.C.O.P.No.113 of 2022 dated 19.10.2024 on the file of the Motor Accident Claims Tribunal Sub Court, Arupukottai and allow the appeal.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.M.Jothi Basu



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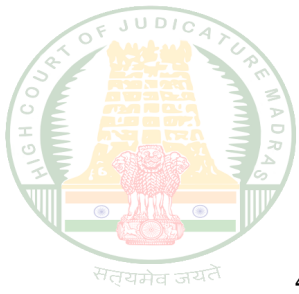
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JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.113 of 2022 dated 19.10.2024 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Aruppukottai.

2. The appellant / Transport Corporation, who was mulcted with liability to pay compensation of Rs.30,42,400/- (Rupees Thirty Lakhs Forty Two Thousand and Four Hundred only) with interest at 7.5% per annum and costs to the respondent / claimant for the disability sustained by him, consequent to an accident occurred on 24.06.2022, challenged the liability mulcted on it and also the quantum of compensation awarded at, by the Tribunal.

3. When the matter is taken up for hearing today, the learned counsel appearing for the appellant would submit that though they have alleged that they are challenging the liability, but they are only disputing the quantum of compensation awarded at by the Tribunal.



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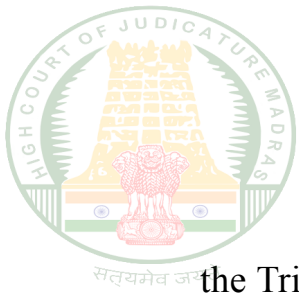
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4. The main contention of the appellant is that for the amputation of right forearm, the Tribunal, by relying on the disability certificate issued by the Medical Board, has fixed the permanent disability at 90% and awarded Rs.27,05,400/- towards disability compensation, which is very much excessive.

5. The learned counsel appearing for the respondent would submit that the respondent was working as a mason and his right forearm was amputated and as such, he is not in a position to do his mason work and that is why the Medical Board as well as the Tribunal has rightly fixed the permanent disability at 90%.

6. Considering the nature of avocation and also the amputation, the finding of the Tribunal fixing the permanent disability at 90% cannot be found fault with.

7. The next contention of the appellant is that the Tribunal, without any basis, fixed the monthly income of the respondent at Rs.16,700/-. But as rightly pointed out by the learned counsel appearing for the respondent,



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the Tribunal, by taking note of the decision of the Hon'ble Supreme Court in *Syed Sadiq Vs. United India Insurance Company* reported in **2014 (1) TN MAC 459** and applying the cost inflation index issued by the Central Board of Direct Taxes (CBDT), has fixed the monthly income of the respondent at Rs.16,700/- and as such, the same cannot be found fault with.

8. The Tribunal, considering the disability sustained, period of inpatient treatment and other attending circumstances, has rightly awarded Rs.1,00,000/- for pain and suffering and Rs.1,00,000/- for loss of convenience.

9. As rightly pointed out by the learned counsel appearing for the respondent, awarding of Rs.5,000/- towards transportation charges and Rs.5,000/- towards extra nourishment are on the lesser side. But considering the amount awarded under the other heads, this Court is not inclined to modify the amount awarded by the Tribunal.

10. The appellant has not canvassed any other reason to impugn the



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award. Hence, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

11. In the result, this Civil Miscellaneous Appeal stands **dismissed**. The appellant / Transport Corporation is directed to deposit the award amount together with interest at 7.5% per annum and costs from the date of petition till realization to the credit of M.C.O.P.No.113 of 2022 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Aruppukottai, after deducting the amount already deposited if any, within a period of four 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 interest and costs, less any amount already withdrawn, by filing suitable application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

28.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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K.MURALI SHANKAR,J.

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To:

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

Judgment made in
C.M.A.(MD)No.916 of 2025
and
C.M.P.(MD)No.13983 of 2025

Dated : 28.08.2025