



WEB COPY

C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 09.02.2026

Pronounced on: 16.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025 and
C.M.P. No.5087 of 2025

C.M.A. No.643 of 2025

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Represented by its Managing Director,
Kanchipuram District.

... Appellant

vs.

P. Vellachi

... Respondent

Cross Obj. No.39 of 2025

P. Vellachi

...Cross Objector

Vs.

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Represented by its Managing Director,
Kanchipuram District

... Respondent



Prayer in Cros. Obj. No.39 of 2025: Cross Objection is filed under Order XXXXI Rule 22 of CPC to enhance the compensation amount awarded in the judgment and decree dated 21.06.2024 passed in M.C.O.P. No.2149 of 2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Respondent : Mr. S.S. Santhosakumar

<https://www.mhc.tn.gov.in/judis>



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

awarded by the Tribunal in M.C.O.P. No.2149 of 2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

2. Cross Objection in Cros.Obj. No.39 of 2025 has been filed by the Cross Objector / claimant seeking to enhance the compensation awarded in the said Award.

3. Both the matters arise out of the same accident and the same Award and hence, disposed of by this common judgment.

4. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

5. The petitioner has filed MCOP No.2149/2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, claiming a sum of Rs.20,00,000/- as compensation for the injuries sustained by her in a road accident that occurred on 12.01.2017.

6. According to the petitioner, on 12.01.2017, at about 12.00 hours,



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

while she was travelling in an auto bearing Registration No.TN 32 T 0785 along with her family members at Narayanamangalam, near small bridge (Engimedu Road), the Tamil Nadu State Transport Corporation bus bearing Registration No.TN 21 N 1031 came in a rash and negligent manner from the opposite direction grazed the auto and caused grievous injuries to the claimant. The accident occurred only due to the negligent act of the driver of the bus. Hence, the respondent / Transport Corporation is liable to pay compensation to the claimant.

7. The claim was resisted by the Respondent / Transport Corporation by denying the involvement of the vehicle in question in the alleged accident, manner of accident and alleged injuries sustained by the petitioner due to the accident.

8. The Tribunal, after hearing both sides and considering the evidence available on record, concluded that the accident occurred due to the rash and negligent driving of the driver of the Transport Corporation bus and awarded a compensation Rs.12,91,750/- and directed the respondent/Transport Corporation to pay the said amount to the petitioner together with interest at



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

the rate of 7.5% per annum from the date of claim petition till the date of the realisation.

9. Questioning the entire negligence fixed on the part of the driver of the bus and the quantum of compensation awarded by the tribunal, the respondent / Transport Corporation has filed C.M.A.No.No.643/2025. Seeking enhancement of compensation the Claimant has filed Cros. Obj. No.39 of 2025.

10. Mr. S.S.Santhosakumar, the learned counsel for the appellant/Transport Corporation in CMA 643/2025 argued that the accident occurred only due to the rash and negligent driving of the auto driver in which the petitioner was travelling. Hence, fixing the entire negligence on the part of the driver of the bus by the Tribunal is erroneous. He would further submit that exorbitant amounts have been awarded towards future loss of earnings and loss of earnings. Hence, prayed for setting aside the Award passed by the Tribunal in the abovesaid MCOP.



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

11. *Per contra*, Ms. Ramya V Rao, the learned counsel for the Cross

Objector in Cros.Obj No.39 of 2025 argued that, while the Tribunal rightly adopted the multiplier method for granting compensation for the functional disability, went wrong in fixing the notional monthly income of the petitioner at Rs.13,125/-, which is very meagre. She would further submit that the Tribunal ought to have fixed the functional disability at 100% since the petitioner has lost four fingers in her right hand and she is unable to work. Hence, prayed for enhancement of compensation awarded by the Tribunal.

12. Heard the submissions made by the counsel for the respective parties and perused the materials on record.

13. Though the driver of the appellant bus was examined as R.W.1, no independent witness travelled in the bus was examined to speak about the manner of accident. Further, the FIR is registered as against the driver of the Transport Corporation. R.W.1 himself admitted that he was under suspension after the alleged accident and that he had not taken any steps to quash the FIR. Hence, the Tribunal rightly concluded that the driver of the Transport Corporation Bus was responsible for the said accident.



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

WEB COPY

14. Though it is contended by the learned counsel for the cross objector / petitioner that the petitioner is unable to work since she lost four fingers in her right hand and therefore, the functional disability should be fixed at 100%, the said disability was not proved by her. Hence, the Tribunal was right in taking 35% functional disability assessed by the Medical Board and adopting multiplier method to award compensation towards disability. In the absence of proof of income, the Tribunal has rightly fixed the notional income of the petitioner as Rs.10,500/-. The above findings of the Tribunal do not require any interference.

15. In the result, CMA No.643 of 2025 and Cross Obj. No.39 of 2025 are dismissed. No costs. Consequently connected miscellaneous petition is closed. The Award dated 21.06.2024 passed in M.C.O.P. No.2149 of 2017 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, is confirmed.

16.03.2026

bga

7/9



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The IV Judge, Court of Small Causes,
Motor Accident Claims Tribunal,
Chennai.

2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

K.GOVINDARAJAN THILAKAVADI, J.

bga

Pre-delivery common judgment in

C.M.A.No.643 of 2025 & Cross Obj. No.39 of 2025

and

C.M.P. No.5087 of 2025

16.03.2026