



WEB COPY

CMA No. 381 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 381 of 2026

and

C.M.P.No. 4546 of 2026

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kancheepuram Division.

..Appellant(s)

Vs

Jayakumar,
S/o.Rajalingam,
No.9/30, Kasipuram B Block,
10th Street,
Royapuram,
Chennai - 600 013.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 21.09.2023 passed in M.C.O.P.No.7061 of 2016 on the file of the learned VI Judge, Court of Small Causes, Motor Accident Claim Tribunal, Chennai, by allowing this Civil Miscellaneous Appeal.

For Appellant(s): Mr.A. Vinothraj

For Respondent(s): Mr.A. A. Venkatesan



Judgment

WEB COPY

This Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the award dated 21.09.2023 passed in M.C.O.P. No.7061 of 2016 by the learned VI Judge, Court of Small Causes, Chennai, awarding a compensation of Rs.12,29,600/- with interest at 7.5% p.a. to the claimant.

2.It is the case of the claimant that he filed the claim petition under Section 166 of the Motor Vehicles Act stating that on 12.10.2014 at about 08.00 p.m., while he was travelling in the TNSTC bus bearing Registration No.TN-21-N-1522 from Puducherry to Chennai, the driver of the bus drove the vehicle in a rash and negligent manner and came dangerously close to another vehicle moving in the opposite direction. Due to such negligent driving, the side mirror of the opposite vehicle struck the claimant's hand which was near the window, resulting in severe injuries. The claimant sustained multiple grievous injuries including fractures and permanent disability. Therefore, the claimant filed the claim petition seeking compensation of Rs.50,00,000/-.

3.The Transport Corporation denied negligence and contended that the claimant had kept his hand outside the bus window and despite warnings by the



conductor and driver, the claimant failed to withdraw his hand. Therefore, the accident occurred due to the claimant's own negligence. Hence, the Transport Corporation is not liable to pay compensation.

4. After analyzing the evidence, the Tribunal held that the accident occurred due to the rash and negligent driving of the bus driver. However, the claimant also contributed to the accident by keeping his hand outside the window. Therefore, the Tribunal fixed contributory negligence as 80% on the side of the driver of the bus and 20% fixed on the side of the claimant. Thus, the Transport Corporation was directed to pay 80% of the compensation of Rs.12,29,600/-. Aggrieved over the same, the Transport Corporation filed this appeal.

5. The learned counsel for the appellant Transport Corporation contended that the claimant himself caused the accident by extending his hand outside the bus and the Tribunal erred in fixing negligence on the driver. He would contend that the compensation awarded is excessive. Further, the multiplier method adopted by the Tribunal is improper.

6. The learned counsel for the respondent/claimant would contend that the Tribunal properly appreciated the evidence. The bus driver drove the vehicle dangerously close to another vehicle. Hence, the claimant sustained permanent



disability of 80%. The compensation awarded is reasonable and does not warrant interference.

7. Heard the learned counsel appearing on either side and perused the papers.

8. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record. The evidence of PW1 and PW2 clearly establishes that the accident occurred due to the negligent driving of the bus driver. The Transport Corporation did not examine the driver or produce any evidence to disprove the claimant's version. However, the Tribunal has rightly noted that the claimant had kept his hand outside the window. Therefore, the finding of 20% contributory negligence on the part of the claimant is perfectly justified. With regard to compensation, the Tribunal adopted the multiplier method considering the age of claimant as 46 years and fixed the monthly income at Rs.7,000/-. Further, the Tribunal assessed loss of earning capacity at Rs.10,92,000/-, which appears reasonable considering the 80% permanent disability suffered by the claimant. Further, the amounts awarded under the heads of pain and sufferings, mental agony, and attendant charges are also reasonable and not excessive. Hence, this Court finds



no perversity or illegality in the findings of the Tribunal. Therefore, the compensation awarded to the claimant is as follows:

<u>Sl. No</u>	<u>Head of Compensation</u>	<u>Amount (Rs.)</u>
1	Transport Expenses	- 15,000/-
2	Extra Nourishment	-10,000/-
3	Attendant Charges	- 20,000/-
4	Loss of earning capacity (Multiplier method)	-10,92,000/-
5	Future inconvenience	-1,00,000/-
6	Pain and suffering	-2,00,000/-
7	Mental agony	-1,00,000/-
	Total	<u><u>=15,37,000/-</u></u>

After deducting 20% contributory negligence, the Tribunal awarded Rs.12,29,600/- towards compensation with 7.5% interest per annum to the claimant.

9. In view of the above discussion, this Court holds that the award passed by the Tribunal is just, fair and reasonable and does not warrant interference. Accordingly, this Civil Miscellaneous Appeal is dismissed. The appellant/Transport Corporation is directed to deposit the entire compensation amount of Rs.12,29,600/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.7061 of 2016 on the file of the learned VI Judge, Court of Small Causes, Motor Accident Claim Tribunal, Chennai, within a period of four weeks



from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications.

10. The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs. Consequently, connected Miscellaneous Petition is closed.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPS

To

1. The VI Judge,
Court of Small Causes,
Motor Accident Claim Tribunal,
Chennai.

2. The Section Officer,
V.R. Section,
Madras High Court.



WEB COPY

CMA No. 381 of 2



K.GOVINDARAJAN THILAKAVADI J.

MPS

C.M.A.No. 381 of 2026
and
C.M.P.No. 4546 of 2026

26-02-2026