

C.M.A.Nos.3771 of 2025 and 332 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on: 24.02.2026

Pronounced on: .04.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos.3771 of 2025 and 332 of 2026 and
C.M.P. No.3938 of 2026

C.M.A. No.3771 of 2025

R. Aravinth

...Appellant

Vs.

1. The General Manager

Tamil Nadu State Transport Corporation (Villupuram Divn.I) Ltd.,
Cuddalore Region, Imperial Road,
Cuddalore 607 002

2. D. Rajalakshmi

...Respondents

C.M.A. No. 332 of 2026

The General Manager,

Tamil Nadu State Transport Corporation (Villupuram Divn.I) Ltd.,
Cuddalore Region, Imperial Road,
Cuddalore 607 002

...Appellant

Vs.



C.M.A.Nos.3771 of 2025 and 332 of 2026

WEB COPY

1. R. Aravinth

2. D. Rajalakshmi

...Respondents

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicle Act 1988, against the Award dated 09.09.2024 made in M.C.O.P. No.477 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Judge-I, Cuddalore.

C.M.A. No.3771 of 2025

For Appellant : Ms. Ramya V. Rao

For Respondents : Mr. S.S.Santhosakumar for R1

C.M.A. No. 332 of 2026

For Appellant : Mr. S.S.Santhosakumar

For Respondents : Ms. Ramya V. Rao for R1

COMMON JUDGMENT

C.M.A. 3771 of 2025 has been filed by the Appellant / petitioner against Award the dated 09.09.2024 made in M.C.O.P. No.477 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Judge-I, Cuddalore.



C.M.A.Nos.3771 of 2025 and 332 of 2026

WEB COPY

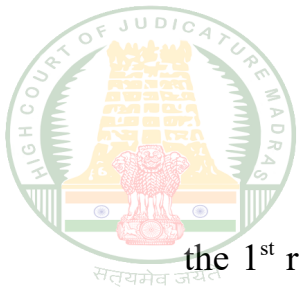
2. C.M.A. 332 of 2026 has been filed by the Appellant / State Transport Corporation questioning the entire negligence fixed on the part of the driver of the bus and also the quantum of compensation awarded by the Tribunal.

3. Both the appeals 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. The petitioner has filed MCOP No.477/2021 on the file of the Motor Accident Claims Tribunal, Special District Judge-I, Cuddalore, claiming a sum of Rs.30,00,000/- as compensation for the injuries sustained by him in the accident that took place on 16.01.2021.

5. According to the petitioner, on 16.01.2021 at about 5.30.p.m., when he was travelling as a pillion rider in a two wheeler bearing Registration No.TN-91-D-8650 belonging to the 2nd respondent, driven by one Alex Pandian, on Vrudhachalam-Chidambaram Main Road, near Siruvarappur Cinema Talkies, a bus bearing Registration No.TN-32-N-2415 belonging to

3/13



C.M.A.Nos.3771 of 2025 and 332 of 2026

the 1st respondent, driven by its driver in a rash and negligent manner dashed against the two wheeler, as a result of which, the petitioner sustained multiple injuries all over his body and was admitted in Vrudhachalam Government Hospital and thereafter admitted in Mundiambakkam Government Hospital, Villupuram, for further treatment and underwent multiple surgeries. Hence, he filed the claim petition as stated above.

6. The claim was resisted by the 1st Respondent / Transport Corporation stating that the accident has occurred due to the rash and negligent riding of the rider of the two wheeler and hence, they are not liable to pay any compensation.

7. 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 accordingly, awarded compensation of Rs.12,72,000/- and directed the 1st respondent / Transport Corporation to pay the said compensation together with interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realisation.



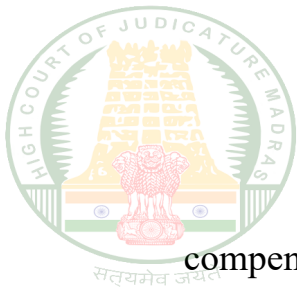
C.M.A.Nos.3771 of 2025 and 332 of 2026

WEB COPY

8. Seeking enhancement of compensation awarded by the tribunal, the appellant / petitioner has filed CMA 3771/2025 and, questioning the entire negligence fixed on the driver of the bus, the Transport Corporation has filed CMA No.332/2026.

9. Ms. Ramya V. Rao, learned counsel for the appellant in CMA No. 3771 of 2025 / Petitioner argued that the appellant / petitioner was working as a mason and was earning a sum of Rs.15,000/- per month and that he sustained fracture of Femur Right Leg and Grade III Compound comminuted fracture right leg both bone, which has caused impediment for continuing his work as mason. The Medical Board also assessed his disability as 45% permanent. In the circumstances, the Tribunal ought to have adopted multiplier method for granting compensation towards disability instead of applying per percentage method. She would further submit that the Tribunal ought to have awarded more compensation under the head of attender charges, pain and sufferings and loss of amenities by considering the total inpatient treatment as well as the number of surgeries underwent by him and that no amount was awarded towards future medical expenses. Hence, prayed for enhancement of

5/13



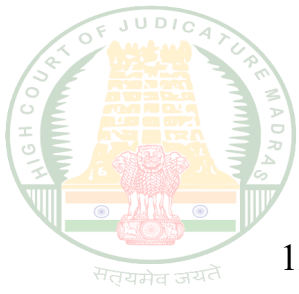
C.M.A.Nos.3771 of 2025 and 332 of 2026

compensation awarded by the Tribunal.

WEB COPY

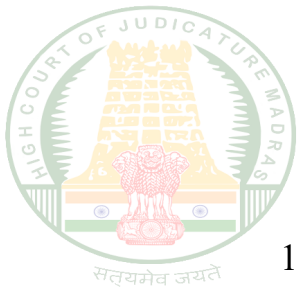
10. *Per contra*, Mr. S.S.Santhosakumar, the learned counsel for the appellant / Transport Corporation in C.M.A. No.332 of 2026, would submit that the tribunal ought to have fixed 50% contributory negligence on the part of the rider of the two wheeler since the rider of the two wheeler dashed on the back side of the Transport Corporation bus and the rider and the two pillion riders (petitioner is one among the pillion riders) were not wearing helmet at the time of accident. He would further submit that the Tribunal has awarded exorbitant amount under all the heads and the same has to be reduced. Hence, prayed for setting aside the Award passed by the Tribunal.

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



C.M.A.Nos.3771 of 2025 and 332 of 2026

12. On a perusal of records, it is seen that the petitioner has sustained fracture of Femur Right Leg and Grade III Compound comminuted fracture right leg both bone and took inpatient treatment in 8 spells and underwent more than 5 surgeries and the Medical Board has assessed his disability as 45%. Since the petitioner is a Mason Assistant, the nature of injuries sustained by him would definitely affect his avocation. However, there is no material to show that the petitioner suffered functional disability. Hence, there is no need to adopt multiplier method. However, taking into consideration the year of accident and the nature of injuries sustained by the petitioner, this Court deems it fit to fix Rs.10,000/- per percentage of injury. Accordingly, a sum of Rs.4,50,000/-is granted towards permanent disability. With regard to future medical expenses, the claimant has not stated as to the nature of future treatment required. Hence, he would not be entitled for any compensation on the head of future medical expenses. The Tribunal has awarded just compensation under the other heads, which warrants any interference.



C.M.A.Nos.3771 of 2025 and 332 of 2026

13. The learned counsel for the appellant in CMA No.332 of 2026 /

Transport corporation would contend that the Tribunal ought to have fixed 50% contributory negligence on the part of the rider of the two wheeler since the rider of the two wheeler dashed on the back side of the Transport Corporation bus and the rider and the two pillion riders (petitioner is one among the pillion riders) were not wearing helmet at the time of accident.

13.1. Riding the two wheeler without a License or carrying more persons as pillion Rider in a Motorcycle though is not permitted in law, it will only tantamount to violation of the relevant provisions of the Motor Vehicles Act, which results in imposition of punishment / penalty. But, this violation, by itself, cannot lead to giving a finding on contributory negligence unless it is established that this very act of riding without a license or carrying more than one person as a pillion rider had contributed either to the accident or to the impact of the accident upon the victim. Moreover, the appellant/Transport Corporation failed to substantiate that the rider of the two wheeler has contributed to the accident.



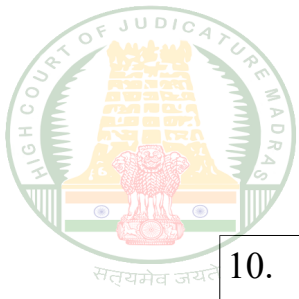
WEB COPY



C.M.A.Nos.3771 of 2025 and 332 of 2026

14. The following tabular column would show the amounts awarded by the Tribunal and the amounts awarded by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/ enhanced/ granted/ set aside
1.	permanent disabilities	3,15,000/- (45x7000)	4,50,000/- (45x10000)	Enhanced
2.	Pain and sufferings	3,00,000/-	3,00,000/-	Confirmed
3.	Extra nourishment	50,000/-	50,000/-	confirmed
4.	Attender charges	1,80,000/-	1,80,000/-	Confirmed
5.	Transportation	50,000/-	50,000/-	confirmed
6.	Loss of amenities	50,000/-	50,000/-	confirmed
7.	Loss of income	3,00,000/- (20 x 15000)	3,00,000/-	confirmed
8.	disfigurement	25,000/-	25,000/-	confirmed
9.	Loss of clothes	2,000/-	2,000/-	confirmed



C.M.A.Nos.3771 of 2025 and 332 of 2026

10.	Total	12,72,000/-	14,07,000/-	Enhanced by Rs.1,35,000/-
-----	-------	-------------	-------------	--------------------------------------

WEB COPY

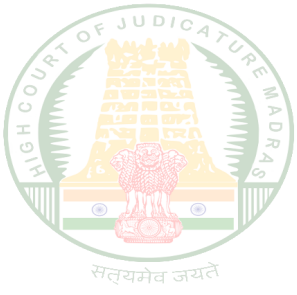


C.M.A.Nos.3771 of 2025 and 332 of 2026

WEB COPY

15. In the result,

- i. C.M.A. No.332 of 2026 is dismissed. No costs. Consequently connected miscellaneous petition is closed.
- ii.C.M.A. No.3771 of 2025 is partly allowed. No costs.
- iii.The quantum of compensation awarded by the Tribunal is enhanced to Rs.14,07,000/- from Rs.12,72,000/-.
- iv.The appellant in C.M.A. No.332 of 2026 /Transport Corporation is directed to deposit a sum of Rs.14,07,000/- (less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of M.C.O.P. No.477 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Judge-I, Cuddalore.
- v. On such deposit being made, the appellant in C.M.A. No.3771 of 2025 / petitioner is at liberty to withdraw the same after following due process of law.



C.M.A.Nos.3771 of 2025 and 332 of 2026

WEB COPY

vi. The appellant in C.M.A. No.3771 of 2025 / petitioner is not entitled for any interest for the delay period in filing this appeal.

.04.2026

bga

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge-I , Motor Accident Claims Tribunal, Cuddalore.
2. The General Manager
Tamil Nadu State Transport Corporation (Villupuram Divn.I) Ltd.,
Cuddalore Region, Imperial Road,
Cuddalore 607 002
3. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.Nos.3771 of 2025 and 332 of 2026

K.GOVINDARAJAN THILAKAVADI, J.

bga

**Pre-delivery common judgment in
C.M.A.Nos.3771 of 2025 and 332 of 2026 and
C.M.P. No.3938 of 2026**

.04.2026