

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,  
SPECIAL SUBORDINATE JUDGE, TIRUPATTUR.**

**Present: Tmt.J.Nagalakshmi @ Vijayarani,B.A.,B.L.,  
Motor Accident claims Tribunal Authority,  
Special Subordinate Judge, Tirupattur.**

**Thursday, the 26<sup>th</sup> day of March 2026**

**M.C.O.P. No.30/2025**

**CNR.NO.TNTU04-000030-2025**

a	Name and address of the Claimant/Petitioner (s)	Murugama, aged 49 years, W/o.Kanayaram, Peddavanka, Kangundi, Chittoor District, Andhra Pradesh-517 425.
b	Name and address of the Respondent(s)	The Managing Director, Tamil Nadu State Transport Corporation Limited, Villupuram Region, Rangapuram, Vellore.
c	Date of filing of the claim petition	22.01.2025
d	Date of award	26.03.2026
e	Amount of award	Rs.1,90,000/-
f	Interest rate applicable	7.5% per annum
g	Date(s) from which interest is payable	26.03.2026
h	Costs if any	Rs.8,250/-
i	Court fee paid	Rs.373/-
j	Balance of Court fee to be paid	Rs.900/-

The petition came up for final hearing in the presence of **Thiru.A.Venkatesan,B.A.,B.L.**, learned counsel for the petitioner and **Thiru.S.Jayakumar,B.A.,L.L.B.**, learned counsel for the respondent, and

heard both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

### **ORDER**

1. This petition was filed by the petitioner under section 166 of the Motor Vehicles Act claiming Rs.10,00,000/- as compensation against the respondents together with interest and cost from the date of accident.

#### **2. The averments of the petition in brief :-**

On 24.06.2024, at about 03.00 PM, the petitioner was traveling in Govt. bus bearing Reg. No. TN 23 N 1607 from Tirupathur – Natrampalli. While the bus was going near Katteriyamman Kovil, the driver of the bus driven the same in a rash speed and negligent manner and without following the traffic rules and dashed against the road side tamarind tree. Due to the impact the petitioner has sustained fracture in her right knee and grievous injuries all over the body. After the accident the petitioner was taken to the Govt. Hospital, Tirupathur and still the petitioner is taking treatment in private hospitals. A case U/s. 279, 337 IPC is registered by Jolarpet police against the driver of the bus. Since the accident took place due to rash and negligence of the driver of the Govt. bus driver TN 23 N 1607, the respondent is the owner and employer of the govt. bus driver. The respondent is liable to pay compensation to the petitioner along with interest and cost.

#### **3.The brief contentions of the counter filed by the respondent as follows:-**

On the day of the incident, 24.06.2024, the respondent's bus bearing Reg. No. TN 23 N 1607 proceeded towards Natrampalli from Tirupathur, in a

moderate speed observing traffic rules. When the bus nearing the Katteriyamman temple, a two-wheeler driver coming in the opposite direction in a high speed, drunkend stage, talking on his cell phone, without following the traffic rules and the two wheeler suddenly came in the direction of the bus and hence the bus driver swerved to the left to avoid hitting the two-wheeler. When the bus swerved to the left and braked suddenly, it skidded and crashed into a tamarind tree on the side of the road. The accident not happened due to the fault of the bus driver. The two wheeler driver who suddenly came in the direction of the bus without following the traffic rules caused the accident. The petitioner is put in to strict proof of treatment, earning, loss of earning power and disability. The allegations contained in the petition denied and the petition is liable to be dismissed.

#### **4. Points for consideration:-**

1) Whether the accident occurred due to the rash and negligence of the driver of the Govt. bus bearing reg. No. TN 23 N 1607 who is under employment of the respondent?

2) Whether the petitioner entitled to get the compensation from the respondent's? If so what is the quantum? by whom ?

#### **5.POINT NO 1: -**

The petitioner's case is that, the accident happened on 24.06.2024, at about 03.00 PM, nearby Katteriyamman Kovil, in Tirupathur – Natrampalli road. The respondent side not denied the accident occurred on the said date, time and place. There is no dispute that the petitioner travelled in the bus bearing Registration No. TN 23 N 1607 belonged to the 1<sup>st</sup> respondent at the time of

accident. In order to prove the manner of accident, the petitioner filed proof affidavit in consonance with the petition and examined as PW1. She categorically deposed that, the driver of the 1<sup>st</sup> respondent drove the government bus in a rash and negligent manner and carelessly crashed in to a Tamarind tree on the side of the road and caused the accident. The manner of accident not shattered during cross of PW1 even suggested that the two wheeler suddenly crossed the road. The petitioner is the passenger of the government bus. The driving license of the driver of 1<sup>st</sup> respondent namely Jeeva marked as Ex.P4. It is also extracted from Ex.P.1 that, the criminal case also registered in Cr.No.428/2024, U/s.279, 337 of IPC on the file Tirupathur Police station against the driver of the 1<sup>st</sup> respondent also corroborates the petitioner's case. Though the driver of the bus examined as RW1 and there is no oral or documentary evidence to substantiate his evidence. On thorough perusal of both side evidence and materials clearly shows that the accident could have taken place in the manner stated by the petitioner. The tribunal finds that petitioner proved his case by probable evidence. Therefore, it is concluded that , the accident occurred due to the rash and negligence of the driver of the 1<sup>st</sup> respondent. The point No.1 is answered accordingly.

## **6. POINT NO.2 :**

(a). It reveals from the evidence of Pw1 that she sustained injury due to that accident and immediately taken into Tirupathur GH and after taking first aid admitted in Govt Medical college hospital, Dharmapuri. The accident register contains an endorsement that referred for Higher treatment which is marked as Ex.P2. The discharge summary also shows that she had taken treatment as in patient from 24.06.2024 – 09.07.2024 and undergone surgery for fracture of

her Right knee on 02.07.2024. There is no doubt that the petitioner sustained injuries due to that accident. The petitioner is the passenger of the Govt bus. The said offending vehicle stands in the name of respondent as could be seen from Ex.P3. The driving Vehicle of the driver of the Respondent namely Jeeva also marked as Ex.P4. Hence the petitioner is entitled for compensation from the respondents. This point is answered accordingly.

(b). The petitioner claimed Rs.10,00,000/- under various heads as compensation stating that the accident caused Permanent disability and hence it is appropriate to discuss the same head by head.

**(c). TOWARDS DISABILITY:**

The petitioner referred to Medical board and doctors of the medical board had assessed the disability of the petitioner and given **Ex.C1**, the disability certificate. It shows the percentage of disability is 6%. Though the petitioner sustained injury it is failed to prove that the same affects his day - day activities and routine work. Upon considering the factors that the disability is not functional this tribunal inclined to apply “**Percentage method**”. Being the accident took place in contemporary period, it is pertinent to read the judgment in ***Future General India Insurance Company Limited Vs Manivannan and 2 others, 2024(1) TN MAC 598***

*The division bench of hon'ble madras high court granted Rs.7,000 per percentage for an accident occurred in the year 2017, towards disability certified by the qualified Doctor or Medical Board."*

Relying the dictum laid down in the above judgment, the accident occurred in the year 2024 an enhanced sum of Rs.8,500/- per percentage of disability is

herewith applied. **Considering the disability in this case fixed as 6%, it can be calculated at the rate of Rs.8,500/- = Rs.34,000/- is awarded towards Disability**

**(d). MEDICAL EXPENSES :**

The accident took place on 24.06.2024. The petitioner taken to Tirupathur GH immediate to the accident which could have been revealed from Ex.P.2. The accident register reveals the Injuries sustained by the petitioner are :(1) Laceration in the level of 15x 7x2 cm in the forehead and suture had done (2) Nasal bleeding (3) Pain in both legs. The petitioner after taking the Said first aid sent for higher treatment. The discharge Summary also reveals that she had taken treatment in Dharmapuri Medical College hospital from 24.06.2024 - 09.07.2024. Being the said treatment taken in Government hospital on free of cost and hence no medical bills expected to be produced. There is no medical bills produced to show the medical expenses incurred. Hence the tribunal not inclined to award compensation under this head.

**(e). PAIN AND SUFFERINGS :**

It is evident from medial records that the petitioner got fractured and undergone surgery on 02.07.2024 for “CLOSED BIMALEOLAR FRACTURE IN RIGHT ANKLE (An unstable injury involving fracture of both the lateral malleolus (fibula) and medial malleolus (tibia))” under the procedure CRIF - Closed Reduction and Internal Fixation cancellous screws were fixed in (metaphyseal regions) bone. It is apparent on face of the record that such open incision to stabilize the joint required 3-6 month time to take the recovery.

The discharge summary clearly shows that she had advised to take medication of 4 weeks and entertain physical exercises for knee and hip and also appear for removal of suture on 17.07.2024. Upon considering the the period of treatment as in patient, nature of injuries, duration of recovery and the pain and sufferings undergone by the petitioner, the tribunal inclined to award a sum of **Rs. 65,000/-** as compensation for Pain & Sufferings.

**(f).EXTRA NOURISHMENT:-**

For the injury sustained the petitioner would have given extra nutritious food for speedy recovery and incurred some expenses in this regard and hence the tribunal inclined to award **Rs.15,000/-** towards extra nourishment.

**(g).TRANSPORTING EXPENSES**

The petitioner initially taken to Tirupathur GH and then taken for higher treatment in Dharmapuri Medical College Hospital. Though the Trip Sheet not produced it is apparent that incurred some expenses towards Transportation expenses. The discharge advice contained the entry of appearance for review on 17.07.2024 and also advised to change the bandage, unwrap and unroll the bandage etc. cannot be over looked. Hence the tribunal inclined to award **Rs.15,000/-** towards transport expenses

**(h). LOSS OF INCOME:**

The petitioner deposed she worked for coolie and earned Rs.20,000/- p.m at the time of accident. There is no documents produced in order to prove the income. The notional income taken as Rs. 7,000/- p.m as per Minimum Wages

Act. There is no doubt that the petitioner hospitalized and right knee has fractured. The period of treatment as in patient clarified that from 24.06.2024 – 09.07.2024. As already discussed the nature of surgery CRIF normally takes 3-6 months time for its recovery she would have absented from his regular avocation for at least 3 months. Hence the tribunal is inclined to award a '**sum of Rs.21,000/- (Rs.7,000 x 3m = Rs.21,000/-) as loss of income**'.

**(i). ATTENDER CHARGES :** Though the petitioner was hospitalized, there is no material produced that he was assisted by an attender. It is clarified that the period of treatment as in patient for 16 days normally accompanied with one attender and hence the considering the same the court is inclined to award **Rs.15,000/-** towards attender Charges .

**LOSS OF AMENITIES:** It is clear from record that the petitioner was 49 years old at the time accident. Considering the nature of injuring and permanent disability of 6%, which he has to endure through out life, and hence tribunal inclined to award **Rs. 25,000/-** for loss of Amenities and happiness.

(d) In the result, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards disability	Rs. 34,000/-
2	Towards Medical Expenses	Nil
3	Towards Future Expenses	Nil
4	Towards Pain & Suffering	Rs. 65,000/-
5	Towards loss of Amenities	Rs. 25,000/-

6	Towards Transport Expenses	Rs. 15,000/-
7	Towards Extra nourishment	Rs. 15,000/-
8	Towards Attender Charges	Rs. 15,000/-
9	Towards Loss of income during period of injury	Rs. 21,000/-
	<b>Total</b>	<b>Rs. 1,90,000/-</b>

**In the result, the petition is partly allowed as follows:-**

(1) The Petitioner is awarded **Rs. 1,90,000/- (Rupees One Lakh Ninety thousand only)** together with interest at 7.5% per annum from the date of petition till the date of deposit (Excluding the period for the dismissal for default if any).

(2) The Respondent is directed to deposit the award amount within **one month** from the date of order by NEFT / RTGS mode directly into the account standing in the name of Special Subordinate Judge(MACT), Tirupathur at State Bank of India, Tirupathur Main Branch, Current Account No. **42888609189** under intimation to this Tribunal by way of sending pay advice slip.

(3) The petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs.900/- within 15 days from the date of receipt of copy of order. If not paid within the stipulated time, the petitioner not entitled to claim interest for the aforesaid period. The disbursement of the amount shall be made by direct transfer to credit of his account by NEFT/RTGS mode.

(4) Advocate fee fixed as Rs.6,800/- shall be paid by NEFT/RTGS mode.

(5) The respondent his directed to pay a sum of Rs.8,250/- being the cost of petitioner tabulated there in.

7. Following the Judgement of the Hon'ble High Court of the Madras in M/s Cholamandal MS General Insurance Co.Ltd. /Vs/ Ayyanar and others reported in 2020(4) CTC 272, no decree is prepared. All the parties are entitled to free copies of award as per section 168(2) of Motor Vehicles Act.

**Other necessary Particulars**

<b>Date of petition</b>	<b>:</b>	<b>Respondent's side</b>
Date of Award	:	26.03.2026
Amount of compensation claimed is	:	Rs.10,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.1,90,000/-
Court fee payable for the said amount is	:	Rs.1273/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Rs.900/-

**Cost List for the Petitioner**

<b>Particulars</b>	<b>Petitioner side</b>	<b>Respondent's side</b>
Court fees	Rs. 1,273.00	
Vakalath Nama Stamp	Rs. 40.00	
Process fee	Rs. 7.00	
Advocate fee	Rs.6,800.00	----
Stamp of documents	Rs. 30.00	

Typing charges	Rs. 100.00	
<b>Total</b>	<b>Rs.8,250.00</b>	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on **26<sup>th</sup> day of March 2026.**

Special Subordinate Judge,  
Motor Accident Claims Tribunal,  
Tirupathur, Tirupathur District

**Petitioner Side Witness:-**

PW1 Murugamma

**Respondent side witness:-**

RW1 Jeeva

**Petitioner side Exhibits:**

- Ex.P1 Copy of FIR
- Ex.P2 Copy of Accident Register
- Ex.P3 Copy of Registration Certificate of Govt. bus TN 23 N 1607
- Ex.P4 Copy of DL of the driver of the Bus
- Ex.P5 Copy of Discharge Summary
- Ex.P6 Copy of Aadhaar card of the petitioner
- Ex.P7 Copy of Bank Pass book of the petitioner

**Court side Exhibits :**

Ex.C1 Medical Board report of the petitioner regarding disability.

**Respondent side Exhibits:**

NIL

Special Subordinate Judge,  
Motor Accident Claims Tribunal,  
Tirupattur, Tirupattur District.