



**MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUNELVELI
SPECIAL SUB COURT DEALING WITH MCOP CASES
TIRUNELVELI.**

**PRESENT:-THIRU.V. BREZNEV, M.A., L.L.M., (TN01507)
Special Sub - Judge,
Motor Accident Claims Tribunal, Tirunelveli.**

Dated 11th day of June 2025

**M.C.O.P Nos.
M.C.O.P 1396/2023
M.C.O.P 1397/2023**

**C.N.R Nos.
TNTL170014122023
TNTL170014142023**

1. Jayaseli, aged 61 years,
W/o. Samyadiyan,
residing at No.96,
Anna Nagar,
Housing Unit,
Veerakeralam,
Coimbatore - 641 007.

--- Petitioner in **M.C.O.P No. 1396/2023**

2. Swamiadiyan, aged 63 years,
S/o. Koilpitchai,
residing at Old No.96,
New No. 102, Anna Nagar,
Housing Unit,
Veerakeralam,
Coimbatore - 641 007.

--- Petitioner in **M.C.O.P No. 1397/2023**

Vs

State Express Transport Corporation Limited,
through its Managing Director,
having office at Thiruvalluvar House,
Pallavan Salai,
Chennai Mount Road,
Chennai - 600 002.

... Respondent in **Both Cases**



These two petitions were coming up on 27.03.2025 for final hearing before me in the presence of Tmt.R.Seethalakshmi, Advocate for Petitioners and Thiru.S.K.Sekaran, Advocate for Respondent and these two cases were being tried together and upon hearing both side arguments and upon perusing the case records, and having stood over for consideration till this day, this tribunal delivers the following:-

COMMON AWARD

1. These claim petitions are filed u/s. 166 of the Motor Vehicles Amended Act 54/94, Claiming compensation amount of ₹ 15,00,000/- and ₹ 5,00,000/- with interest at the rate of 12% per annum from the date of petition to till date of payment with costs.

1)	Name of the injured in both MCOP Cases	:	1) Jayaseli, aged 61 years, 2) Swamiadiyan, aged 63 years,
2)	Compensation Claimed in both cases	:	1) ₹ 15,00,000/- 2) ₹ 5,00,000/-
3)	Name of the Respondent	:	State Express Transport Corporation Limited, Chennai.
4)	Name of the Driver	:	Senthilkumar, S/o. Rajan
5)	Date of Accident	:	05.06.2023
6)	Date of filling of claim Petitions	:	22.08.2023

**The brief averments contained in the claim petitions as follows:-**

2. It is stated that on 05.06.2023 at about 3.45 A.M, when the petitioners were traveling as a passenger in the Government Bus bearing Registration No. TN01AN1976 belonging to the respondent from north to south, on the Thalaiyuthu – Thatchanallur bypass road, near Vedic Vidyashram School, driven by its driver in a rash and negligent manner and trying to overtake another vehicle going ahead on the same road and turned the above bus towards right side of the road and as a result, due to over speed of the above bus, the driver lost its control and skidded over the road and capsized and sustained injuries. Immediately after the accident, the petitioners were taken to the Hospital for treatment and admitted as inpatient. Due to injuries, the petitioners are permanently disabled. The accident had occurred only due to rash and negligent driving of the driver of the respondent. The respondent is the owner of the Bus TN01AN1976 is liable to pay compensation to the petitioners. Hence, this respondent is liable to pay the compensation to the petitioners. The TIW Tirunelveli City Police has registered a case against the driver of the respondent in Cr.No.230/2023 u/s 279, 337, 184 IPC. Therefore, the above petitioners have filed the claim applications for awarding of compensation.

The brief case of the respondent in the counter is as follows:-

3. The claim petitions are not maintainable. The driver of this respondent drove the vehicle with due care and caution observing traffic rules. He was not rash and negligent at the time of accident. The other



allegations stated in the petitions regarding the age, income, occupation, nature of injuries, nature of treatment, manner of accident, incurring of expenditure are all baseless and the same have to be proved by petitioners themselves. The amount of compensation and rate of interest are highly excessive and therefore, this respondent prayed for dismissal of both petitions.

4. Both the above M.C.O.Ps have been jointly tried.

5. Documents and Evidences: -

In order to substantiate the petitioners claim, the petitioners have examined as PW1 to PW2 and Ex.P1 to Ex.P13 were marked. On the side of respondent no witness was examined and no documents was marked.

6. Point for determination:-

- 1 Whether the accident due to rash and negligent driving of the respondent's bus driver?
- 2 Whether the petitioners are entitled compensation?
- 3 If so, what is the quantum of the compensation payable to the petitioners?

Point No.1 and 2 :-

7. In order to prove the negligence, the petitioners have been examined as PW1 and PW2. It is stated that on 05.06.2023 at about 3.45 A.M, when the petitioners were traveling as passenger in the Government Bus bearing Registration No. TN01AN1976 belonging to the respondent from north to



south, on the Thalaiyuthu - Thatchanallur bypass road, near Vedic Vidyashram School, driven by its driver in a rash and negligent manner and trying to overtake another vehicle going ahead on the same road and turned the above bus towards right side of the road and as a result, due to over speed of the above bus, the driver lost its control and skidded over the road and capsized and sustained injuries.

8. In this respect, the petitioners have produced the FIR and the Final Report as Ex.P1 and Ex.P12. Further, it is pertinent to note here that, the FIR and Final Report were registered against the respondent's bus driver. Though the respondent has denied the manner of the accident, there is no contra evidence produced by the respondent to disprove the manner of the accident. The respondent has not produced any independent witness or eye witnesses to disprove that the accident was not taken place due to rash and negligent driving of the respondent's bus driver. Therefore, this tribunal of the view that the respondent's driver alone drove the vehicle in a rash and negligent manner and caused the accident. Since, the bus belonged to the respondent corporation, the respondent is liable to pay compensation to the petitioners. Accordingly, the Point No. 1 and 2 are answered.

Point No.3 :-

M.C.O.P No. 1396/2023 :- (Petitioner – Jayaseli)

9. The petitioner stated that due to accident, she suffered D11-D12 flexion distraction injury - Chance fracture, Cut injury over back head and



abrasions all over the body. To substantiate the same, the petitioner has produced Wound Certificate, Accident Register, Discharge Summary as Ex.P2 to Ex.P4. On perusal of above documents, it is seen that the petitioner suffered D11-D12 flexion distraction injury – Chance Fracture. The said injury is grievous in nature. The petitioner has dispensed with the appearance before the Medical Board for assessing disability. Hence, considering the nature of injuries, this tribunal is inclined to award a lump sum of **₹ 70,000/-** as compensation for her **grievous injuries**.

10. The petitioner stated that she was a Tailor and earned ₹ 15,000/- per month. The petitioner has not produced any documents or evidences to prove her income. Even as a Labour the petitioner could easily earn at least ₹ 400/- per day. In this respect, considering the age of petitioner and the nature of employment alleged to have been done by her and year of accident, this tribunal is of the view that the petitioner would have earned ₹ 12,000/- per month. Accordingly, this tribunal fixed the notional income of the petitioner at **₹ 12,000/- per month**. Considering the nature of injuries and the period of treatment, this tribunal is of the view that the petitioner could not attend her regular work at least for a period of **2 months**. Therefore, the **loss of income** would be **₹ 12,000/- x 2 months = ₹ 24,000/-**. The petitioner has produced medical Bills a sum of ₹ 1,93,982/- as Ex.P5 to Ex.P8 and accordingly, the petitioner is entitled a sum of **₹ 1,93,982/-** under the head of **Medical Expenses**.



11. Further, considering the nature of grievous injuries suffered by petitioner, the petitioner is entitled a sum of ₹ 15,000/- under the head of **pain and sufferings**, A sum of ₹ 5,000/- towards **loss of convenience, loss of amenities, damages of clothes and articles**. This Tribunal allows a sum of ₹ 5,000/- towards **Transport charges**. A sum of ₹ 5,000/- is fixed for **Attendant Charges** and a sum of ₹ 5,000/- is fixed for **Extra Nourishment**. In total, the petitioner is entitled to claim ₹ 3,22,982/- as compensation which is just and reasonable.

M.C.O.P No. 1397/2023 :- (Petitioner – Swamiadiyan)

12. The petitioner stated that due to accident, he suffered RTA with multiple injuries, sutured wound over right side shoulder and abrasions all over the body. To substantiate the same, the petitioner has produced Wound Certificate, Accident Register as Ex.P10 and Ex.P11. On perusal of above documents, it is seen that the petitioner admitted in the Hospital for treatment. Hence, considering the nature of injuries, this tribunal is inclined to award a lump sum of ₹ 10,000/- as compensation for his simple injuries. Accordingly, Point No.3 is answered.

13. In the result, these petitions are partly allowed with proportionate costs in the following manner.

I.	M.C.O.P No.1396/2023	The petitioner is awarded a sum of ₹ 3,22,982/- as compensation.
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II.	M.C.O.P No.1397/2023	The petitioner is awarded a sum of ₹ 10,000/- as compensation.
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14. The respondent is directed to deposit the above award amount in the Virtual Account Number mentioned below in the tabular column within 30 days with interest at 7.5 percent per annum from the date of filing i.e (as mentioned in tabular column of para 1) to till the date of payment (Excluding the default period if any).

15. On such deposit the petitioners are permitted to withdraw the entire award amount with accrued interest immediately after its deposit. The respondent is also directed to pay the cost as mentioned in the tabulator column. **The petitioners are directed to pay the deficit Court Fees mentioned in the tabulator column within 30 days** from the date of this order.

Sl.No.	Case No.	Cost (Vakalat, Stamp on documents, Batta Memo, Advocate Fee and Court fee)	Advocate Fees	1. Court Fees paid
				2. Deficit/ Balance Court Fee
1.	M.C.O.P No. 1396/2023 Virtual Account No. V0047413962023 (IFSC Code : IDIB000K184)	₹ 12,112/-	₹ 9,460/-	1. ₹ 200/- 2. ₹ 2,602/-



2.	M.C.O.P No. 1397/2023 Virtual Account No. V0047413972023 (IFSC Code : IDIB000K184)	₹ 1,070/-	₹ 1000/-	1. ₹ 200/-
				2. Nil

Following the judgment of the Hon'ble High Court of Madras in M/s. Cholamandalam 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 the award as per Section 168 (2) of the MV Act and Rule 20 (6) of the Motor Vehicle Accident Claim Tribunal Rules.

Directly dictated to Steno Typist and typed in the computer directly and it was corrected and pronounced by me on **11th day of June 2025**.

Special Sub Judge,
Motor Accident Claims Tribunal,
Tirunelveli.

Petitioners side witnesses : -

PW1	Jayaseli
PW2	Swamiadiyan

Petitioners side documents:-

Ex.P1	Copy of FIR
Ex.P2	Copy of Wound Certificate relating to Jayaseli
Ex.P3	Copy of Accident Register relating to Jayaseli



Ex.P4	Discharge Summary relating to Jayaseli
Ex.P5	Medical Bills relating to Jayaseli
Ex.P6	Medical Bills relating to Jayaseli
Ex.P7	Medical Bills relating to Jayaseli
Ex.P8	Medical Bill relating to Jayaseli
Ex.P9	Copy of Aadhaar card of petitioner Jayaseli
Ex.P10	Copy of Wound Certificate relating to Swamiadiyan
Ex.P11	Copy of Accident Register relating to Swamiadiyan
Ex.P12	Copy of Final Report
Ex.P13	Copy of Aadhaar card of petitioner Swamiadiyan

Respondent side witness: - Nil

Respondent side documents: - Nil

Special Sub Judge,
Motor Accident Claims Tribunal,
Tirunelveli.