

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2015

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.M.A.NO.829 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation, Bharathipuram,
Salem Main Road, Dharmapuri. .. Appellant/Respondent

Vs.

E.Madhaiyan .. Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and decree passed by the Motor Accident Claims Tribunal, (Additional District Judge) Dharmapuri, in M.C.O.P.No.492 of 2010 dated 11.07.2013.

For Appellant : Mr.D.Venkatachalam

JUDGMENT

The appeal is preferred by the Tamil Nadu State Transport Corporation, Dharmapuri, challenging the award dated 11.07.2013 passed in M.C.O.P.No.492 of 2010 by the learned Additional District Judge (Motor Accident Claims Tribunal), Dharmapuri.

2.The injured/respondent has filed the above original petition claiming a compensation of Rs.3,00,000/- for the fracture on left middle phalex, injury over the right ear, head and on both knees. The claimant has alleged that the accident was due to the negligent driving TNSTC bus belonging to the appellant. Hence, the claim petition was filed before the Tribunal.

3.The Claims Tribunal had found that the accident was due to the rash and negligent driving of the driver of the appellant/Transport Corporation bus. So far as the quantum of compensation is concerned, the claimant had filed Exs.P.1 to P7. Considering the injuries inflicted on the claimant, disability was assessed at 20%. The claimant was aged about 20 years at the time of accident and he was running cosmetic shop in Hogenakkal. Applying the yardstick set out in the decisions of the Hon'ble Apex court in Santhosh Devi case [2012-3- LW-320] and Sarala Verma case reported in 2009 (6) SCC 121, the Tribunal had calculated the loss of income of the

petitioner/claimant at Rs.84,240/-. In addition to that, compensation for non-pecuniary damages were also awarded, which amounts to a total compensation of Rs.1,02,240/- and interest at the rate of 7.5% p.a. also awarded.

4.The above said award has been challenged by the Transport corporation, questioning the quantum of compensation awarded.

5.Heard the learned counsel for the appellant and perused the materials available on record.

6.As the award granted by the Motor Accident Claims Tribunal to the claimant is correct and proportionate to the injury caused due to the accident, it is unnecessary to entertain the appeal. As there is no glaring mistake in the award of compensation passed by the Tribunal, no interference is required.

7.In the result, the Civil Miscellaneous Appeal is dismissed and the Appellant/Tamil Nadu State Transport Corporation Ltd is directed to deposit the entire award amount along with interest at the rate of 7.5% p.a. less the amount already deposited by them if any, within a period of four weeks from the date of receipt of copy of this order. On such deposit being made, the claimant is permitted to withdraw the award amount after giving credit to the amount already withdrawn by him if any. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
(Additional District Judge) Dharmapuri.

+1 cc to Mr.D.Venkadachalam, Advocate,SR.21391

+1 cc to Mr.M.Selvam, Advocate,SR.21620.

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