

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. Nos. 2034 of 2013, 3024 of 2014 & 335 to 338 of 2015

&

M.P. Nos. 1/2013, 1/2014, 1,1,1 & 1/2015

C.M.A. No. 2034 of 2013

The Managing Director,
Tamil Nadu Transport Corp.
(Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore - 641 043.

... Appellant/1st Respondent

Vs.

1.D. Manikandan ... 1st Respondent in CMA 2034/13
2.P.Chandrasekar ... 1st Respondent in CMA 3024/14
3.R.Ramesh ... 1st Respondent in CMA 335/15
4.K.Guna ... 1st Respondent in CMA 336/15
5.R.Vetrivel ... 1st Respondent in CMA 337/15
6.R.Rasu ... 1st Respondent in CMA 338/15
7.K.Venkatesan ... 2nd Respondent in all CMA's
(Remain Exparte. Hence, given up)

8.National Insurance Company Limited,
Branch Office-I, Thanthai Periyar Complex,
Near Old Bus Stand, Salem-I. ... 3rd Respondent in all CMA's

Prayer: Civil Miscellaneous Appeals as against the decree and order dated 02.04.2012 passed in M.C.O.P. Nos. 620, 611, 614, 613, 612 & 619 of 2008 respectively by the Motor Accidents Claims Tribunal (Principal Sub Court), Salem.

For Appellant
in all the appeals

: Mrs.R.T. Sundari

For Respondents
in all the appeals

: Mr.C.Kulanthaivel for R1
in all the appeals

COMMON JUDGMENT

These appeals arise out of the awards passed in M.C.O.P. Nos. 620, 611, 614, 613, 612 & 619 of 2008 respectively, which were filed in respect of a single accident, which occurred on 21.05.2008, when the bus belonging to the appellant Transport Corporation, driven rashly and negligently, hit against a parked tanker lorry on the backside resulting in sustaining of injuries by the passengers of the bus, who are the claimants/1st respondent in the respective appeals.

2. Heard Mrs.R.T. Sundari, learned counsel for the appellant and Mr.C.Kulanthaivelu, learned counsel for the respective 1st respondent.

3. The Tribunal, taking into consideration, that the bus, belonging to the appellant Corporation, hit the parked tanker lorry from behind; the filing of FIR against the driver of the bus and in the absence of any contra evidence let in by the Transport Corporation, rightly found that the bus was driven rashly and negligently and therefore, the said finding cannot be disturbed.

4. As far as C.M.A. No. 2034/2013 is concerned, the claimant sustained fracture of his upper jaw and suffered loss of teeth. Therefore, the Tribunal, based on the disability assessed at 20%, rightly awarded Rs.64,000/- as compensation and the said amount cannot be said to be on the higher side. Therefore, the award of Rs.64,000/- passed by the Tribunal along with interest @ 7.5% per annum is sustained.

5. As far as C.M.A. No. 337 of 2015 is concerned, in this case also, the claimant sustained injury to his lower jaw and suffered loss of teeth. The percentage of disability was rightly assessed by the Tribunal at 30% and Rs.88,000/- was awarded as compensation together with interest @ 7.5% per annum. The said amount cannot be said to be excessive or unreasonable and the same is confirmed. So also, the rate of interest awarded by the Tribunal @ 7.5% per annum.

6. As far as the amount of Rs.25,000/- awarded as compensation in respect of each of the other M.C.O.Ps, is concerned, the said amount cannot be said to be on the higher side. In fact, the Transport Corporation should not have filed appeals as against the aforesaid awards, which granted only negligible amounts in favour of the claimants. Therefore, all the appeals are dismissed. No costs. Connected M.Ps are closed.

7. The appellant is directed to deposit the respective award amounts, along with accrued interest and costs, after deducting the amounts already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respective claimants are permitted to withdraw their respective amounts, within a period of one week thereafter.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

nv

To

The Motor Accidents Claims Tribunal (Principal Sub Court),
Salem.

+6cc's to M/s.R.T.Sundari, Advocate,
S.R.No.13480,13481,13482,13483,13478,13479

+1cc to Mr.C.Kulanthaivel, Advocate, S.R.No.12545

C.M.A. Nos. 2034/2013, 3024/2014 &
335 to 338 of 2015

CNR (CO)
CA(02/06/2015)

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