

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.1425 of 2016

And

C.M.P.No. 10904 of 2016

The Managing Director
Tamil Nadu State Transport
Corporation, Trichirapalli -1. Respondent/Appellant

Vs.

Suresh ... Petitioner/Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 23.11.2015 made in M.C.O.P.No. 148 of 2014 on the file of the Motor Accident Claims Tribunal, (Principal District Judge), Perambalur.

For Appellant : Mr.D.Venkatachalam

JUDGMENT

Questioning the quantum of the award, the appellant/Transport Corporation has filed this Appeal under Section 173 of the Motor Vehicles Act 1988.

2. The respondent had moved the Motor Vehicle Accident claims Tribunal with a claim petition in M.C.No. 148 of 2014 claiming totally a sum of Rs.3,00,000/- for the injuries sustained by him in a road traffic accident said to have been taken place on 27.11.2013 involving a passenger bus bearing Registration No. TN 45 N 2958 belonging to the appellant Transport Corporation. Due to the above said accident, the respondent/claimant had sustained multiple injuries, which are grievous in nature. In the very same accident, one Kodiarasu @ Kodiyarasan, who had also sustained injuries and died subsequently. His parents had also moved the Tribunal with a claim petition in M.C.O.P.No. 148 of 2014 claiming totally a sum of Rs.30,00,000/- for the death of their son.

3. Both the claim petitions were resisted by the appellant Transport Corporation. Both the above claim petitions were consolidated together and a common evidence was recorded in M.C.O.P.No. 147 of 2014. Based on the evidences available on record, the Tribunal had proceeded to pass an award of Rs.1,41,000/- in respect of the present respondent/claimant directing the appellant transport corporation to pay the amount to the claimant with interest at the rate of 7.5% p.a., from the date of petition. Similarly the Tribunal had proceeded to pass an award of Rs.12,95,000/- as against the original claim of Rs.30,00,000/- in the claim petition in M.C.O.P.No. 147 of 2014 and directed the appellant/transport Corporation to pay the amount to the claimants therein with interest at the rate of 7.5% p.a.

4. It is brought to the notice of this Court that as to whether any appeal is preferred by the appellant/transport corporation against the award passed in the claim petition in M.C.O.P.No. 147 of 2014. However, this appeal is preferred only against the award passed by the Tribunal in the claim petition in M.C.O.P.No. 148 of 2014. Since the appellant/Transport Corporation has preferred this appeal only on the ground of quantum, the facts and other circumstances of the case need not be traversed.

5. According to the respondent, he had sustained grievous injuries over his head, hand and all over the body. The Doctor, who had examined him for the purpose of assessing disability, had assessed his disability at 13%. Therefore, the tribunal at the rate of Rs.3,000/- per percentage for 13%, had awarded Rs.39,000/-(13x3000/-) and besides this, the Tribunal had also awarded a sum of Rs.36,000/- towards loss of income (ie., at the rate of Rs.6,000/- per mensem for six months). Towards pain and suffering as well as extra nourishment, each Rs.30,000/- was awarded and apart from this, a sum of Rs.30,000/- was awarded under the head of extranourishment and another amount of Rs.5,000/- towards transportation and Rs.1,000/- was also awarded towards the damages to clothing. Totally, the Tribunal has awarded a sum of Rs.1,41,000/- to compensate the loss of the respondent/claimant.

6. Having considered the submissions made by Mr.D.Venkatachalam and on perusal of the grounds of appeal, this Court finds the award passed by the Tribunal does not warrant the interference of this Court. Hence, the Appeal is dismissed and the award passed by the Tribunal is confirmed. Consequently, connected Miscellaneous Petition is closed. No costs.

7. The appellant Transport Corporation is directed to deposit the award amount along with accrued interest at the rate of 7.5% p.a., from the date of petition (if not deposited earlier), within a period of four weeks, if not deposited earlier. On such deposit being made, the respondent/claimant is entitled to withdraw the entire amount without actually filing any formal application seeking permission.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Vsg

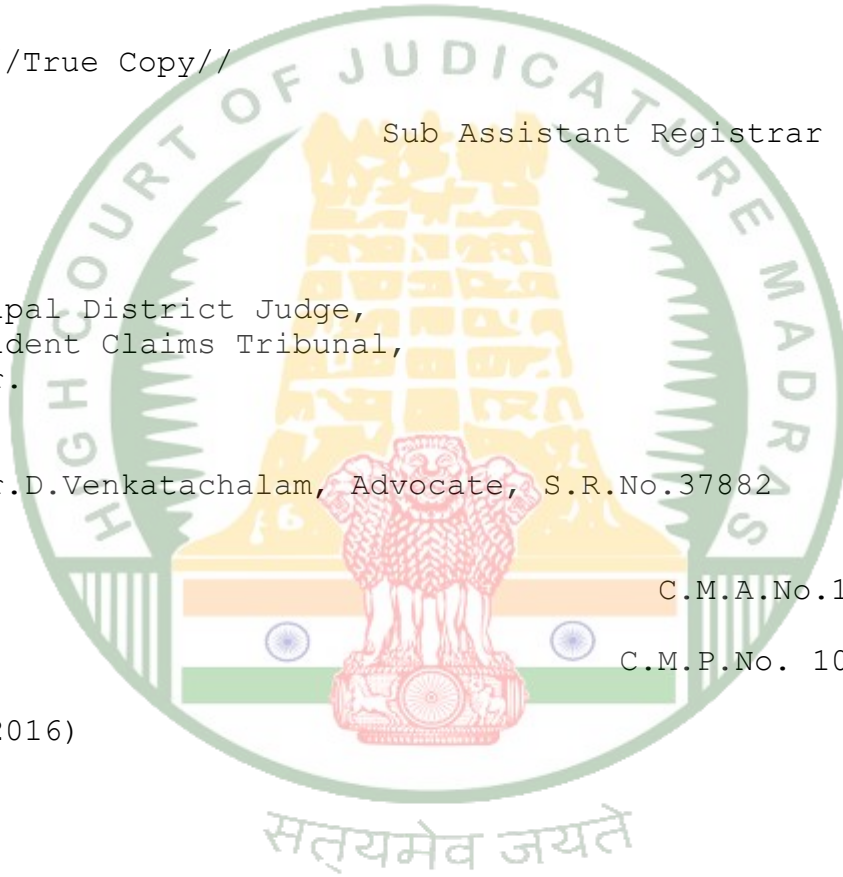
To

The Principal District Judge,
Motor Accident Claims Tribunal,
Perambalur.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.37882

C.M.A.No.1425 of 2016
and
C.M.P.No. 10904 of 2016

RSY(CO)
CA(01/09/2016)



WEB COPY