

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.1373 of 2016

And

C.M.P.No. 10498 of 2016

Tamil Nadu State Transport Corporation Limited
Villupuram Division -1, Represented by its
Managing Director, having office at
No.3/137, Salamedu, Valudhareddy Post
Villupuram 605 602. Respondent/Appellant

Vs.

Ponnusamy Petitioner/Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 10.04.2014 made in M.C.O.P.No. 277 of 2008 on the file of the Motor Accident Claims Tribunal, (Special Subordinate Judge-I), Salem.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

Questioning the quantum of compensation, this Memorandum of Civil Miscellaneous Appeal has been directed against the award of the Tribunal dated 10.04.2014 and made in the claim petition in M.C.O.P.No. 277 of 2008.

2. The appellant herein is the Tamil Nadu State Transport Corporation. The respondent herein had moved the Motor Accident Claims Tribunal with a claim petition in M.C.O.P.No. 277 of 2008 claiming totally a sum of Rs.5,00,000/- for the injuries sustained by him in a road traffic accident, said to have been taken place on 15.11.2007, involving a passenger bus bearing Registration No. TN 32 N 1547 belonging to the appellant Transport Corporation.

3. This claim petition was contested by the appellant Transport Corporation. However based on the evidences available on record, the Tribunal had proceeded to award a sum of

Rs.1,77,000/- under the following heads:-

1.	Pain and suffering	Rs.25,000/-
2	Loss of income during treatment (Rs.4,500/- x 10)	Rs. 45,000/-
3.	Food and extra nourishment	Rs. 5,000/-
4.	Medical Expenses	NIL
5.	For disability	Rs.50,000/-
6.	Transportation	Rs. 1,000/-
7.	Loss towards personal belongings	Rs. 1,000/-
8.	For loss of amenities	Rs. 50,000/-
	Total	Rs.1,77,000/-

4. It is to be noted that as per the evidence of PW-2 Dr.S.Arun, the disability which was suffered by the respondent was assessed at 30%. However, the Tribunal had reduced the percentage of disability to 20% and therefore, a sum of Rs.50,000/- at the rate of Rs.2,000/- per percentage was awarded by the Tribunal. This amount is not disputed, but what Mr.K.J.Sivakumar would contend is the compensation granted under the head of loss of amenities. Under this head, a sum of Rs.50,000/- was awarded.

5. On perusal of the award passed by the Tribunal as aforestated in the tabular column, the Tribunal could have awarded a sum of Rs.15,000/- towards pain and sufferings instead of Rs.25,000/- and besides this, toward extra nourishment, the Tribunal could have awarded Rs.10,000/- instead of Rs.5,000/-.

6. It is significant to note here that no amount was awarded towards medical expenses. However, for Transportation, the Tribunal has awarded Rs.1,000/- and it could be enhanced to Rs.6,000/-. The award of Rs.50,000/- under the head of loss of amenities has been deleted and that amount has been apportioned on the other heads. Since no amount was awarded towards attendant charges a sum of Rs.5,000/- is awarded under this head. In other aspects, the total award of Rs.1,77,000/- is to be confirmed.

7. Accordingly, the appeal is dismissed. The award passed by the Tribunal (learned Special Subordinate Judge-I), Salem is

confirmed. No costs. Consequently, connected Miscellaneous
Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

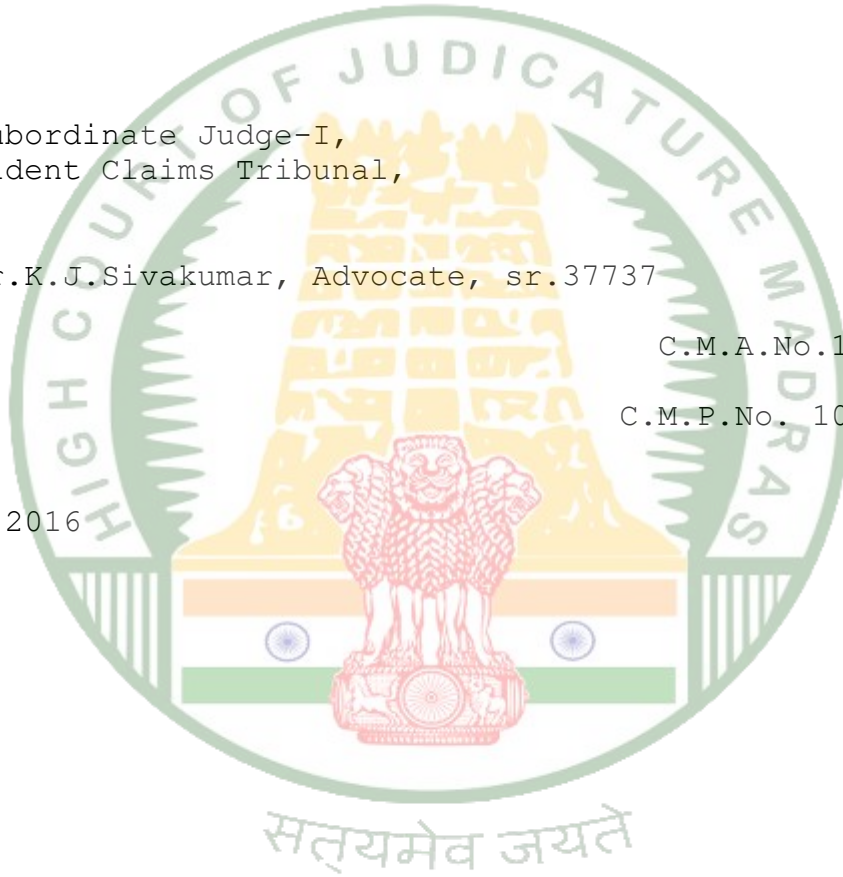
Vsg

To
Special Subordinate Judge-I,
Motor Accident Claims Tribunal,
Salem.

1 cc to Mr.K.J.Sivakumar, Advocate, sr.37737

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