

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.810 of 2015
and
M.P.No.1 of 2015

The Managing Director,
T.V.L, T.S.T.C.Limited,
Periyarmilaguparai, Collector Office Road,
Tiruchirappalli. Appellant/2nd Respondent

Vs.

1.Mr.M.Suresh Kumar 1st Respondent/Petitioner

2.The Driver,
T.S.T.C. Bus No.TN-45-N-1018
(R2-Given up) 2nd Respondent/1st Respondent

Prayer : Civil Miscellaneous Appeal is filed against the judgment and decree dated 03.03.2011 and made in M.C.O.P.No.703 of 2005 on the file of the Motor Accident Claims Tribunal, Fast Track Court, Namakkal.

For Appellant : Mr.Vijay Veliappan

JUDGMENT

Questioning the quantum of compensation awarded by the Tribunal in the claim petition in M.C.O.P.No.703 of 2005 on the file of the Motor Accident Claims Tribunal (Fast Track Court), Namakkal. This present appeal is preferred by the appellant/Transport Corporation.

2.Heard Mr.S.Vijay Veliappan, learned counsel for the appellant. On perusal of grounds of appeal along with the award passed by the Tribunal, dated 03.03.2011, this Court finds that this appeal may be disposed of at the threshold in the initial stage of admission.

3. The respondent/claimant had moved the claims Tribunal with the claim petition in M.C.O.P.No.703 of 2005 making a claim

of Rs.4,00,000/- for the injuries sustained by him in a road traffic accident said to have been taken place on 10.09.2004 at 8.30 a.m involving a passenger bus belonging to appellant/Transport Corporation bearing registration No.TN 45 N 1018. The respondent/claimant had sustained grievous injuries on all over his body including pain and swelling, clacking over left side clavicle, pain and swelling over left side auoria clavicle joint, abrasion over left side chest and on account of this reason, he had suffered with permanent disablement.

4. The appellant/Transport Corporation had contested a claim by filing their written counter statement. However, based on the evidences available on record, the claimant/Tribunal had proceeded to award a total sum of Rs.61,800/- directing the appellant/Transport Corporation to pay this amount to the respondent/claimant with interest at the rate of 7.5% per annum from the date of petition within a period of three months.

5. At the time of occurrence, the first respondent was aged about 20 years and according to him he was working as a Field Assistant in K.V.R.Fertilizers, Karur Kattalai and getting a sum of Rs.3,500/- per mensem. The Tribunal, based on the evidences both oral and documentary had found that the respondent/claimant had not produced any documentary evidence to show the he was having driving license to drive the two wheeler at the relevant period.

6. Based on the evidence of Doctor Mani, who was examined as PW2 and the Disability Certificate issued by him (Ex.P8), the disability alleged to have been suffered by the respondent/claimant was assessed at 8%. Therefore, the Tribunal had granted a sum of Rs.8,000/- at the rate of Rs.1000/- per 1%. His monthly income was also determined at Rs.3,000/-. Therefore, calculating the period of treatment to the length of three months. The loss of income was determined has raised Rs.9,000/-. Under the head of pain suffering, the Tribunal had awarded a sum of Rs.25,000/- and towards medical expenses based on Ex.P3 (series), the Tribunal had awarded a sum of Rs.16,766/-. Besides this, a sum of Rs.1000/- towards transport expenses and another sum of Rs.2000/- towards the nutritious food had also been granted. Totally, the Tribunal had awarded a sum of Rs.61,766/- rounded off at Rs.61,800/-.

7.This Court has found that the award passed by the Tribunal is proportionate and in consonance with the injury sustained by the petitioner and does not require the interference of this Court. Therefore, this Court finds that the award of the Tribunal at Rs.61,800/- may be confirmed and the appeal may dismissed.

8. Accordingly, this Civil Miscellaneous Appeal is dismissed confirming the award of the Tribunal. Consequently, connected Miscellaneous Petition is also closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Fast Track Court,
Namakkal.

2.The Section Officer,
Vernacular Records Section,
High Court, Madras 104.

+1cc to Mr.V.S.Vijay Veliyappan, Advocate, S.R.No.32088

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RSK(CO)
CA(05/07/2016)

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