

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/4/2016

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.895 of 2016

The Managing Director
M/s.TNSTC (VPM) Ltd
Villupuram.

Appellant

Vs

1. Chinnaperumal

2. Y. Nagaraj

3. The Divisional Manager
M/s.National Insurance Co. Ltd
KRT Building
Trichy.

Respondents

Appeal filed under Section 173 of the Motor vehicles Act, 1989 to set aside the judgment and decree passed by the Motor Accident Claims Tribunal and Principal District Judge, Perambalur, made in M.C.O.P.No.109/2011 dated 28/8/2014.

For appellant

Mr.P.Paramasiva Doss

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Principal District Judge, Perambalur in M.C.O.P.No.109 of 2011 dated 28/8/2014.

2. On 14/1/2009, at about 7.35 a.m., the claimant was travelling as a passenger in the first respondent bus bearing Registration No.TN21N-0744 from Chennai to Tiruchirapalli and when the bus was nearing Murukkankudi section road, the driver of the bus drove the bus in a rash and negligent manner, hit against the second respondent Eicher lorry which was insured with the third respondent, as a result of which the claimant sustained multiple grievous injuries all over his body including right forearm and right elbow. Immediately, the claimant took first aid at Government Hospital, Perambalur and then continued the treatment as in-patient at Surya Hospital, Kayathar. In spite of the best treatment, his neck movement has been restricted

and he is unable to do his routine work as earlier. The claimant had filed a claim petition before the Tribunal seeking compensation of a sum of Rs.2,00,000/- with interest and costs.

3. The Tribunal based on the oral and documentary evidence, granted the following amounts as compensation with interest at 7.5% p.a.

S.No.	Head	Amount granted by the Tribunal
1.	Partial permanent disability 22%	Rs. 66,000/-
2.	Pain & Suffering	Rs. 30,000/-
3.	Medical expenses as per Ex.P.4	Rs. 39,460/-
4.	Nutritious diet	Rs. 10,000/-
5.	Transport charges	Rs. 5,000/-
6.	Loss of income at the time of taking treatment and for 6 months @ Rs.4,500/- p.m notionally	Rs. 27,000/-
	TOTAL	Rs.1,77,460/-

4. This Court heard the submissions made by the learned counsel appearing for the appellant and perused the materials available on record.

5. A cursory glance of the award would make it clear that at the place of accident, expansion of road work was going on and as such, one side of the road alone was allowed for transport. The driver of the Government bus has to take all care and caution and he should have driven the bus slowly in the particular place. Admittedly, on the basis of the complaint, the Police have registered a criminal case against the driver of the transport Corporation. Based on the oral and documentary evidence, it was proved that due to the accident, the claimant had sustained injuries including multiple small abrasions over right forearm and the claimant had sustained injury in C-6 in Cervical Vertebra.

6. In view of the above findings, the award of the Tribunal in granting compensation to the first respondent herein cannot be said to be excessive. Hence this Court finds no reason to interfere with the compensation awarded by the Tribunal and hence the appeal is dismissed. No costs. Consequently, the connected Miscellaneous

Petition is closed.

7. The appellant Transport Corporation Company is directed to deposit the entire award amount together with interest to the credit of M.C.O.P.No.109 of 2011 on the file of the Motor Accident Claims Tribunal and Principal District Judge, Perambalur, if not already deposited, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being made, the claimant is entitled to withdraw the same by filing necessary application before the Tribunal. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Motor Accident Claims Tribunal and Principal District Judge,
Perambalur.
2. The Divisional Manager
M/s.National Insurance Co. Ltd
KRT Building
Trichy.

ad(co)
krd 16/8

C.M.A.No.895 of 2016

सत्यमेव जयते

WEB COPY