

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.848 of 2016

and C.M.P.No.6918 of 2016

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Railway Station New Road,
Kumbakonam - 612 001. ... Appellant/Respondent

vs.

Sankar ... Respondent/Claimant

Prayer: Civil Miscellaneous Appeals filed under Section 173 or MV Act as against the Judgment and decree dated 07.02.2015 made in M.C.O.P.No.23 of 2014 on the file of Motor Accidents Claims Tribunal, Additional District Court, Namakkal.

For Appellant :: Mr.D.Venkatachalam
For Respondent :: Mr.Ma.Pa.Thangavel

सत्यमेव जयते

JUDGMENT

Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the Judgment and decree dated 07.02.2015 passed in M.C.O.P.No.23 of 2014 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Namakkal.

2. Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondent and perused the materials available on record.

3. This is a case of injury. In an accident that took place on 20.08.2013 at 3.30p.m., wherein the claimant was travelling as a passenger in the bus bearing registration No.TN-68-N-0313, the driver of the bus, drove the vehicle in a rash and negligent manner and dashed against the lorry bearing registration No.TN-47-AB-2433, resulting in the claimant sustaining multiple injuries. The claimant approached the Tribunal claiming compensation to the tune of Rs.5,00,000/-.

4. The Tribunal, taking into account the oral and documentary evidence granted compensation to the tune of Rs.4,36,500/-, by directing the respondent/appellant to pay the compensation to the claimant, holding that the accident was due to the rash and negligent driving of the bus, which belongs to the appellant Transport Corporation. Aggrieved over the same, the appellant Corporation is before this Court.

5. From the perusal of the award of the Tribunal it seen that the accident had occurred due to the rash and negligent driving of the driver of the bus whereby, P.W.1, sustained injuries, including fracture in both legs knee. Perusal of the discharge summary establishes that there was a crush injury on the right foot and the injured was treated at first in Government hospital at Salem and thereafter in Sri Nidhi Hospital, Namakkal. On account of the injuries sustained, the joints in the left leg knee and the thigh bones were fixed unevenly and there was reduction of 10 degree in the right leg knee. On account of the accident, the claimant, who is an agriculturist finds it difficult to stand for a long time, climb staircase, sit cross legged and squat.

6. After taking into consideration the injuries suffered by the claimant, the Tribunal by adopting multiplier, taking into account his permanent disability at 35%, awarded compensation under various conventional heads, which in my view, cannot be said to be excessive and the award of the Tribunal is perfectly justified.

7. In the above circumstances, finding no merit, by confirming the award of the Tribunal, the Civil Miscellaneous Appeal is dismissed. The rate of interest granted by the Tribunal is also confirmed. The appellant Transport Corporation Company is directed to deposit the entire award amount together with accrued interest to the credit of MCOP No.23 of 2014 on the file of the Motor Accident Claims Tribunal (Additional District Court), Namakkal, if not already deposited, within a period of six 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 on filing necessary application

before the Tribunal. There will be no order as to costs in this appeal. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

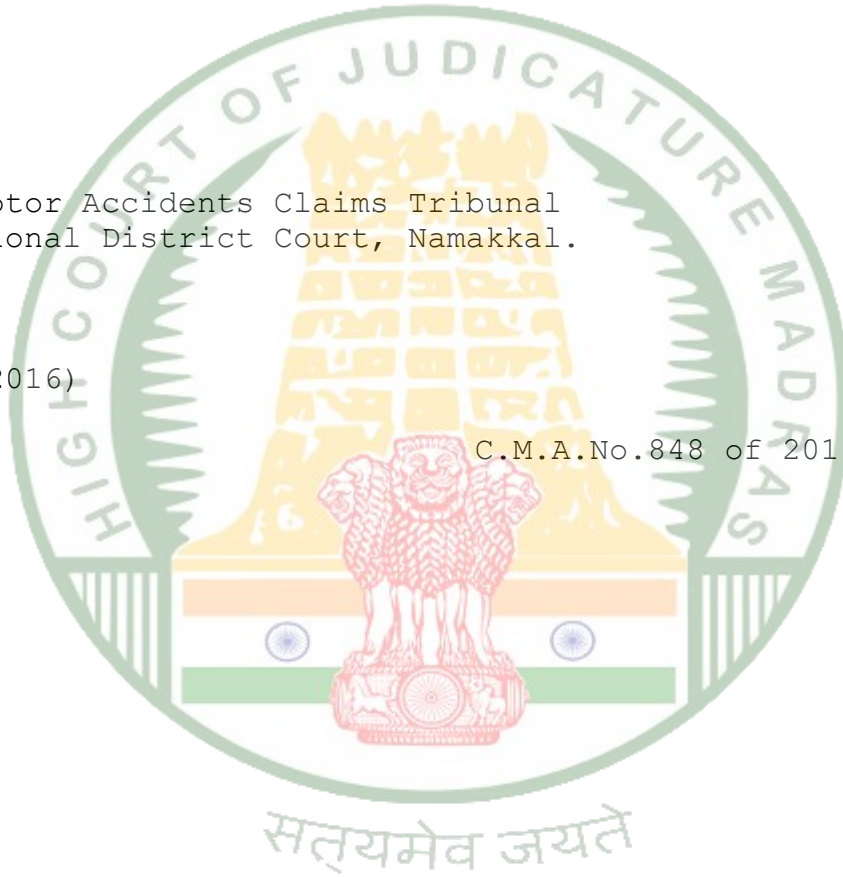
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To

1. The Motor Accidents Claims Tribunal
Additional District Court, Namakkal.

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md(29/11/2016)

C.M.A.No.848 of 2016



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