

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.882 of 2016
and C.M.P.No.7084 of 2016

The Managing Director
Metropolitan Transport Corporation Ltd.,
Chennai - 2. ... Appellant/2nd Respondent

vs.

G.R.Vineshkumar ...Respondent/Petitioner

Prayer: Civil Miscellaneous Appeals as against the Judgment and decree dated 17.04.2015 made in M.C.O.P. No.3586 of 2013 on the file of Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant :: Mr.S.Sivakumar

JUDGMENT

Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the Judgment and decree dated 17.04.2015 passed in M.C.O.P.No.3586 of 2013 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. This is a case of injury. In an accident that took place on 02.11.2012 at 2.30p.m., wherein the claimant was travelling as a passenger in the bus bearing registration No.TN-01-N-9776, when the bus stopped at Perumgulathur signal bus stand, he tried to get down from the bus, at that time, the driver of the bus without noticing the fact that the claimant is getting down from the bus drove the bus in a rash and negligent manner, resulting in the claimant sustaining multiple injuries. The claimant approached the Tribunal claiming compensation to the tune of Rs.10,00,000/-.

4. The Tribunal, taking into account the oral and documentary evidence granted compensation to the tune of Rs.10,88,049/-, by directing the respondent/appellant to pay the compensation to the claimant, by holding that the accident was due to rash and negligent driving of the bus which belongs to the respondent Corporation. Aggrieved over the same, the Corporation is before this Court.

5. From the findings of the Tribunal it seen that the contention of the injured, that the driver of the transport corporation bus has driven the vehicle in a rash and negligent manner was accepted whereby, P.W.1, sustained injuries and got treatment as an inpatient in Parvathy Hospital. Perusal of the discharge summary establishes that there was a crush injury on the right foot and the injured was treated as inpatient from 02.11.2012 to 09.11.2012. The injured had also taken treatment in Ganga Medical Centre from 09.06.2014 to 14.06.2014. Due to the accident, the claimant finds it difficult to walk and 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 the permanent disability at 25% since there is no dispute that the claimant suffered permanent disability, awarded compensation under various conventional heads, which in my view, cannot be said to 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 their share of the award amount together with interest to the credit of MCOP No.3586 of 2013 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai, 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 on filing necessary application before the Tribunal. There will be no order as to costs in this appeal. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Motor Accidents Claims Tribunal
(III Court of Small Causes), Chennai.

ca(co)
krd 8/8

Judgment in
C.M.A.No.882 of 2016