

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.M.A.Nos.2162, 3200 & 3201 of 2009
and M.P.Nos.1, 1 & 1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Town, Kumbakonam.

.. Appellant in All CMAs.

Vs.

1. Mrs.Thangammal
2. K.Usha Rani,
3. The Branch Manager,
The Oriental Insurance Co., Ltd.,
Gopalrao Library Building,
Townhall Road,
Kumbakonam-612 001. .. Respondents in CMA.2162 of
2009

1. Sthaniklass
2. K.Usha Rani,
3. The Branch Manager,
The Oriental Insurance Co., Ltd.,
Gopalrao Library Building,
Townhall Road, Kumbakonam-612 001.
.. Respondents in CMA.3200 of 2009

1. Smt. Samathana Marry
2. K.Usha Rani,
3. The Branch Manager,
The Oriental Insurance Co., Ltd.,
Gopalrao Library Building, Townhall Road,
Kumbakonam-612 001. .. Respondents in CMA.3201 of
2009

Prayer : Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the decree and judgment
dated 12.03.2008 made in M.C.O.P.Nos.55, 62 and 64 of 2006
respectively on the file of the Motor Accidents Claims
Tribunal [Sub Judge], Thiruvavarur.

For Appellant

: Mr.N.Anand

For Respondents 1 & 2

: No Representation

M. Krishnamoorthy for R3.

COMMON JUDGMENT

The State Transport Corporation, whose bus was found to be the offending vehicle by the Tribunal when its driver's negligence in dashing an auto rickshaw had caused injury to its passengers, has come forward with this appeal, challenging the quantum of compensation award.

2. On 26.09.2005, all the three claimants were travelling in an auto rickshaw bearing Registration No.TN 50 A 8636 was hit by a State Transport bus, in which all the three passengers/claimants had suffered fractures to the fingers on wrist or right knee, as the case may be, and for the injuries suffered, they moved the Tribunal for compensation. As to the quantum, the table below indicates the percentage of disability that the each of the passengers were forced to suffer.

C.M.A.No.2162 of 2009:

Claimant: Thangammal,
Percentage of disability:36%,
Total Claim for Compensation - Rs.5,00,000/-

Heads	Claimed amount	Awarded Amount
Loss of Income	54,000	1,50,000
Trasport	10,000	1,000
Extra nourishment	10,000	900
Damage to dress	500	-
Medical Expenses	25,000	1000
Shock and stress	2,00,000	
Loss of earning power	1,00,000	
Pain and Sufferings	2,00,000	20,000
Permanent disability	3,00,000	
Total :	9,99,500	1,72,000

C.M.A.No.3200 of 2009:

Claimant: Sthaniklass,
Percentage of disability : 30%
Total Claim for Compensation - Rs.5,00,000/-

Heads	Claimed amount	Awarded Amount
Loss of Income	54,000	1,00,000
Trasport	10,000	1,000
Extra nourishment	10,000	1,000
Damage to dress	500	-
Medical Expenses	25,000	500
Shock and stress	2,00,000	
Loss of earning power	1,00,000	
Pain and Sufferings	2,00,000	15,000
Permanent disability	4,00,000	
Total :	10,99,500/-	1,17,500

C.M.A.No.3201 of 2009:

Claimant: Samathana Marry

Percentage of disability : 27%

Total Claim for Compensation - Rs.5,00,000/-

Heads	Claimed amount	Awarded Amount
Loss of Income	54,000	1,50,000
Trasport	10,000	1,000
Extra nourishment	10,000	1,000
Damage to dress	500	-
Medical Expenses	25,000	300
Shock and stress	2,00,000	
Loss of earning power	1,00,000	
Pain and Sufferings	2,00,000	20,000
Permanent disability	3,00,000	
Total :	9,99,500/-	1,72,300/-

3. On going through the material records available in this case, I find that the finding of the Tribunal regarding the negligence-aspect is found to be intact. I therefore confirm the driver of the bus belonging to the appellant was only negligent in causing the accident. I find that the compensation awarded to each of the heads including the injury suffered appears to be modest and reasonable and circumstances.

4. I do not find that the awards passed in any one of the cases is either unjust or unfair warranting an interference in there. To conclude, I find no merit in any of these three appeals and all of them are dismissed without costs. The appellant Corporation is directed to deposit the entire award amount within six weeks from the date of receipt of a copy of this order, less if any, already deposited, with interest at 7.5% per annum whereupon the claimants in each of the three claim petitions would be entitled to withdraw the same forthwith. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

kmi

To:

1. The Motor Accident Claims Tribunal,
[Sub Judge], Tiruvarur.
2. The Branch Manager,
The Oriental Insurance Co., Ltd.,
Gopalrao Library Building,
Townhall Road,
Kumbakonam-612 001.
3. The Record Keeper,
V.R.Section, High Court,
Madras.

+3 CCS to Mr. N. Anand, advocate sr 72563, 72564, 72565.

+1 CC to Mr.G.B. Saravanabhavan, Advocate sr 71943.

+1 Cc to Mr.M. Krihsnamoorthy, Advocate sr 72571.

WEB COPY

C.M.A.Nos.2162, 3200 &
3201 of 2009

SVI (CO)
sp(11/08/2017)