

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

C.M.A.No.2639 of 2013
and M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram. ... Appellant/Respondent

Vs.

Mangammal ... Respondent/Petitioner

Civil Miscellaneous Appeal preferred against the Judgment and decree passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Dharmapuri made in M.C.O.P.No.183 of 2010 dated 26.10.2012.

For Appellant : Mr.S.V.Vasanth Kumar

J U D G M E N T

This Civil Miscellaneous Appeal is preferred by the Transport Corporation as against the judgment and decree dated 26.10.2012 made in M.C.O.P.No.183 of 2010 on the file of Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Dharmapuri.

2. On 28.11.2008 at 10.20 a.m., when the claimant/respondent was travelling in a private transport bus bearing Registration No.TN-63-L-6667 on Mathur-Thiruvannamalai Road, the appellant Transport Corporation bus bearing Registration No.TN-25-N-0043 came from the opposite direction i.e., Krishnagiri towards Uthangarai, in a rash and negligent manner and dashed the private transport bus, thereby the claimant/respondent sustained injury on her lips and multiple injuries on her body. Claiming compensation to the tune of Rs.3,00,000/-, the claimant/respondent approached the Tribunal by filing M.C.O.P.No.183 of 2010.

3. Based on the oral evidence of the witnesses and the documentary evidence, the Tribunal granted the following amounts as compensation with interest at 7.5% per annum:-

Sl.No	Head	Amount granted by the Tribunal
1	Disability of 15% at the rate of Rs.2,000/- per percentage	Rs.30,000/-
2	Medical expenses	Rs. 500/-
3	Loss of income for 3 months [3000 x 3]	Rs. 9,000/-
4	Transport and nourishment	Rs. 5,000/-
5	Pain and suffering	Rs. 7,500/-
6	Attender charges	Rs. 3,000/-
	Total	Rs.55,000/-

Aggrieved over the said award, the Transport Corporation has come forward with this appeal.

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

5. In an accident that took place on 28.11.2008, a 45 year old vegetable vendor, sustained injuries viz., contusion in the inner side of lower lip, loosening of lower teeth, due to which, she is unable to bite and munch hard food properly and her face is also disfigured. The Doctor assessed her disability at 20%. The Tribunal, after considering the evidence on record and also taking note of the evidence of P.W.2 Doctor and scrutinizing all the exhibits viz., Exs.P1 to P5, came to the conclusion that the claimant would be entitled to a compensation of a sum of Rs.55,000/-, which according to the appellant/Transport Corporation is excessive.

6. The Tribunal has granted compensation of a sum of Rs.55,000/- under various heads as referred to above. A glance of the award would go to show that the Tribunal has granted compensation for the loss of income and also for the percentage of disability. Taking note of the nature of the injuries sustained by the injured, this Court is of the view that the percentage of disability fixed at 15% and a sum of Rs.2,000/- per percentage granted cannot be said to be excessive as contended by the appellant/Transport Corporation. This Court is also of the view that the compensation granted by the Tribunal under all other heads are reasonable. That apart, the percentage of interest granted by the Tribunal is also confirmed.

7. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 7.5% per annum awarded by the Tribunal. It is made clear that if no amount is deposited so far, the appellant/Transport Corporation is directed to deposit the entire award amount together with accrued interest to the credit of M.C.O.P.No.183 of 2010 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Dharmapuri, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal shall pay compensation to the claimant in the form of a crossed Account Payee Cheque, favouring only the claimant and it should not be issued in favour of any other person/Company. No costs. Consequently, connected Miscellaneous Petition is closed.

8. The Trial Court is expected to follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate Court,
Dharmapuri.

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krd 2/8

C.M.A.No.2639 of 2013
and
M.P.No.1 of 2013

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