

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

C.M.A.No.3582 of 2004
and

C.M.P.No.19284 of 2004

Tamil Nadu State Transport Corporation,
Salem Division, Salem
Rep. By its Managing Director,
No.12, Ramakrishna Road,
Salem - 636 007. ... Appellant/Respondent

.. Vs ..

Prakash Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, amended by M.V. (Amendment) Act 1994 against the judgment and decree dated 24.04.2003 made in M.C.O.P.No.722 of 1998 on the file of the Motor Accidents Claims Tribunal / Sub Court, Tirupattur.

For Appellant : Mr.P.Jagadeeswaran

For Respondent : Not Ready in Notice R1 and R2.

JUDGMENT

This Civil Miscellaneous Appeal is directed against the judgment and decree dated 24.03.2003 made in M.C.O.P.No.722 of 1998 on the file of the Motor Accidents Claims Tribunal, / Additional Sub Court, Tirupattur.

2. The facts of the case are as follows:-

On 19.09.1998, at about 11.25 A.M. the Bus bearing Registration No.TN27 N 0651 was driven by its driver from Tirupattur towards Salem, and while nearing Salem Koot Road, which is two Kilometres away from Tirupattur in a very rash and negligent manner and dashed against the Rajdoot Motor Cycle bearing No.TNM 8510, driven by the respondent / claimant. As a

result of which, the respondent / petitioner in this Appeal has sustained fracture over his leg and was taken to C.M.C. Hospital, Vellore. The respondent / petitioner has spent a sum of Rs.30,000/- towards medical expenses and could not able to do his work. The respondent / petitioner herein has filed a Petition before the Motor Accidents Claims Tribunal / Sub Court, Tirupattur seeking for compensation for a sum of Rs.2,00,000/-

3. The Tribunal, after considering the evidence adduced by both parties, finally awarded a sum of Rs.60,458/- (Rupees Sixty thousand four hundred and fifty eight only) towards compensation under the following heads :-

Loss of earning capacity :	Rs.30,000/-
Loss of Income :	Rs.17,500/-
Transportation :	Rs. 1,200/-
Nourishment :	Rs. 5,000/-
Medical expenses :	Rs. 6,910/-
Pains & Sufferings :	Rs.20,000/-

Rs.80,610/-

Tribunal apportioned the award at 75% of Rs.80,610/- Rs.60,458/-

4. The appellant/Transport Corporation is directed to deposit the said compensation amount along with interest at the rate of 9% per annum from the date of petition till the date of deposit. Aggrieved against the said award passed by the Tribunal, the present appeal is preferred by the appellant/Transport Corporation.

5. The learned counsel for the appellant would submit that the appellant is questioning only the quantum of the compensation awarded, since it is on the higher side and hence prays for allowing of the appeal.

6. Heard the submissions made by the learned counsel for the respondents and the entire records.

7. On perusal of the judgment of the Tribunal, it is seen that the Tribunal, after considering the oral and documentary evidence adduced on either side, correctly fixed the liability on the appellant to pay the compensation of Rs.60,458/-.

8. Considering the facts and circumstances of the case, the Tribunal, awarded just and appropriate compensation to the claimant. Hence, the argument of the learned counsel for the appellant/Transport Corporation that the Tribunal awarded excessive compensation is not at all acceptable and hence, the Civil Miscellaneous Appeal deserves to be dismissed, as this

Court find that no infirmity or illegality in the Order passed by the Tribunal.

9. In the result, the Civil Miscellaneous Appeal is dismissed by confirming the judgment and decree dated 24.04.2003 made in M.C.O.P.No.722 of 1998 on the file of the Motor Accidents Claims Tribunal / Sub Court, Tirupattur. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

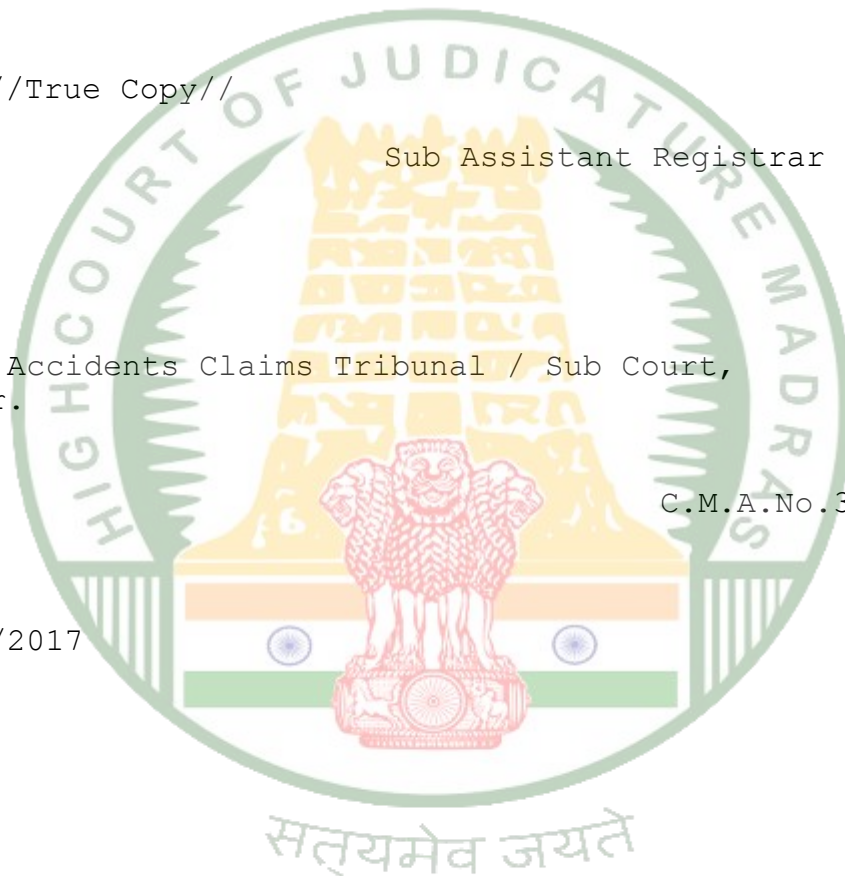
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To

The Motor Accidents Claims Tribunal / Sub Court,
Tirupattur.

C.M.A.No.3582 of 2004

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