



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.741 of 2016

and

C.M.P. (MD) No. 7318 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai), Ltd., Bye-Pass Road,
Madurai. ... Appellant/1st Respondent

Vs.

1.Ganesan ...1st Respondent/Petitioner
2.The Managing Director,
Tamil Nadu State Transport Corporation
Limited, (Tamilnadu Division -1),
Pallavan Salai,
Chennai. ... 2nd Respondent/2nd Respondent
Notice given up

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.153 of 2007 dated 03.03.2011 on the file of the Motor Accident Claims Tribunal/Principal Sub-Judge, Tirunelveli.

For Appellant : Mr.M.Prakash

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award dated 03.03.2011 passed by the Motor Accident Claims Tribunal-cum-Principal Sub-Judge, Tirunelveli, in M.C.O.P.No.153 of 2007.

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

3. A petition was filed claiming compensation of Rs.2,00,000/-. According to the claimant, on 10.01.2016, he was travelling in a bus belonging to the appellant Corporation and the driver of the bus drove it in a rash and negligent manner and dashed against a bus, which was coming from the opposite direction. In the impact, he sustained injuries and he was immediately admitted in Government Hospital at Kovilpatti. A criminal case was registered against the driver of the bus in



Crime No. 5 of 2006. The appellant resisted the claim by filing a counter.

4. Before the Tribunal, in order to establish his case, the claimant examined himself as P.W.1 and examined 3 other witnesses and marked Exs.P.1 to P.10. On the side of the Transport Corporation, Tamilnadu Division -1, Chennai, the driver of the bus was examined as R.W.1 and no document was marked.

5. P.W.1 deposed about the manner of accident and also produced Ex.P.1 the First Information Report. Ex.P.2 is the Observation Mahazar and Ex.P.3 is the site map. The Tribunal upon consideration of oral and documentary evidence came to the right conclusion that the driver had caused the accident.

6. P.W.3 Dr. Sankaranarayanan, deposed that he was working at Tirunelveli Government Medical College Hospital and he examined the claimant and after perusing the records issued Ex.P.9 Disability Certificate stating that he suffered 20% permanent disability. Ex.P.10 is X-ray.

7. The Tribunal, based on the evidence of P.W.2 and Ex.P.9, has awarded Rs.40,000/- towards permanent disability by applying Rs.2000/- per percentage, Rs.6,000 was awarded for loss of income, Rs.1,000/- for Transport Charges, Rs.2,000/- for extra nourishment, another Rs.2,000/- for mental agony and Rs.10,000/- towards pain and suffering. The Tribunal has totally awarded Rs.61,000/- along with interest at the rate of 9% per annum.

8. The Tribunal had awarded the amount under the following heads:

Heads	Amount
For permanent disability	Rs. 40,000/-
Loss of income	Rs. 6,000/-
For Transport charges	Rs. 1,000/-
For Extra nourishment	Rs. 2,000/-
For Mental Agony	Rs. 2,000/-
For Pain and suffering	Rs. 10,000/-
Total	Rs. 61,000/-

Challenging this amount, the appellant has filed this appeal.

10. In the considered opinion of this Court, the award passed by the Tribunal is fair and reasonable and the same is confirmed.

11. The Transport Corporation is directed to deposit the entire award amount with interest and costs within a period of eight weeks from the date of receipt of copy of this order, less



the amount already deposited. On such deposit being made, the claimant is permitted to withdraw the entire award amount with interest and costs.

12. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7318 of 2016 is also dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To,
The Motor Accident Claims Tribunal,
Principal Sub-Judge, Tirunelveli.

+1 cc to M/s.M.Prakash, Advocate in SR.No.40024

CM

CSL/CK/15.09.2016: 3P/3C

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