

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.M.A. No.893 of 2015
and M.P.No.1 of 2015

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram

... Appellant/Respondent

Versus

N.Kuppan

... Respondent/Petitioner

Appeal filed under Section 173 of Motor Vehicle Accidents Claims Tribunal against the award dated 30.06.2014 made in M.C.O.P.No.3661 of 2009 on the file of the Motor Accident Claims Tribunal, II Small Causes Judge Chennai.

For Appellant : Mr.K.J.Sivakumar

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.3661 of 2012, dated 30.06.2014, the Transport Corporation has preferred this Civil Miscellaneous Appeal.

2. The accident occurred on 14.08.2009 when the claimant was riding a motor cycle bearing Reg.No.TN-21-S-6196, the respondent's Corporation bus bearing Regn.No.TN-32-N-2393 came from behind in a rash and negligent manner and hit the claimant's motor cycle, thereby, he sustained grievous injuries. The accident occurred only due to the rash and negligent act of the driver of the respondent-Corporation. Hence, the claimant has filed M.C.O.P.No.3661 of 2009, before the Motor Accident Claims Tribunal, seeking compensation for a sum of Rs.7,00,000/-. The Claims Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.2,85,000/- payable with interest at the rate of 7.5% per annum. The break-up details of the same are as under:

Heads	Amount in (Rs.)
Loss of income for three months	24,000/-
Transportation	10,000/-
Extra nourishment	10,000/-
Damages to clothes	1,000/-
Medical expenses	60,000/-
Attender Charges	10,000/-
Loss of amenities of life	15,000/-
Mental agony	15,000/-
Pain and Suffering	40,000/-
Disability of 50% at the rate of Rs.2,000/- per disability	1,00,000/-
Total	2,85,000/-

3. Challenging the same as excessive and disproportionate, the Transport Corporation has filed this appeal.

4.As far as the award of compensation under the head "Loss of Income" is concerned, the Tribunal has calculated the amount taking into consideration the absence of the petitioner from work for three months and accordingly awarded Rs.24,000/- which cannot be said to be excessive, as the Tribunal has also taken into consideration the conservative treatment taken by the claimant.

5. As far as the award of compensation under the other heads are concerned, the same need not be disturbed, as the Tribunal has applied its mind and awarded appropriate amount under those heads, which do not warrant interference by this Court.

6.Upon perusing the entire award of the Tribunal, it is seen that the Tribunal entered into its findings based on oral and documentary evidence before it and has awarded a just and fair compensation, which need not be interfered with by this Court in this appeal filed by the Transport Corporation and hence the negligence on the part of the driver of the bus belonging to the appellant-Transport Corporation and the quantum of compensation assessed by the Tribunal, cannot be said to be improper.

7. In the result, this appeal is dismissed, confirming the Judgment of the claims Tribunal in M.C.O.P.No.3661 of 2009, dated 30.06.2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

The Motor Accident Claims Tribunal,
II Small Causes Court Chennai.

Copy to:

The Section Officer,
VR Section, High Court, Madras

+lcc to Mr.K.J. Sivakumar, Advocate, S.R.No.19331

pa (CO)

md(18/04/2017)

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