

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.3505 of 2017
and C.M.P.No.22269 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore Division - II) Ltd.,
Chennamalai Road, Erode ... Appellant/Respondent

...vs...

Rangan ... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Order and decree, dated 24.07.2015 made in M.C.O.P.No.1008 of 2011 on the file of the Motor Accident Claims Tribunal, Additional Subordinate Court, Tiruppur.

For Appellant : Mr. K.J.Sivakumar

For Respondents: Mr. Ma.Pa.Thangavel

J U D G M E N T

This Appeal has been filed by the Transport Corporation, challenging the quantum of compensation awarded at Rs.54,100/-. The injured, Rangan, aged 51, a Coolie, earning a sum of Rs.200/- per day, met with an accident on 10.12.2010.

2. The injured filed a claim petition claiming a sum of Rs.5,00,000/- as compensation. The claim was opposed on the ground that the claim is vexatious, the driver is not responsible for the accident and the rate of interest claimed is very high and it should be only 3%.

3. The Tribunal, on a consideration of the materials, came to the conclusion that it is only the appellant's driver who is responsible for the rash and negligent driving and therefore, the liability cannot be disputed.

4. So far as the quantum of compensation is concerned, it

is awarded only under two heads, namely, medical expenses, supported by Ex.P-5-bills to the extent of Rs.25,100/- and the compensation for injury at Rs.25,000/-. This award is under challenge by the Transport Corporation on the ground that the Tribunal has not given breakup details of the award in respect of the injury and the medical expenses granted is on the higher side.

5. When the medical bills under Ex.P-5 has been accepted at Rs.25,100/- there should be some basis to claim that it is on the higher side. It is not explained either in the grounds of appeal or during arguments as to basis on which it is claimed to be excessive. Therefore, the contention that the medical expenses is on the higher side cannot be accepted.

6. So far as the injury is concerned, the claimant has suffered loss of flesh for which plastic surgery has been performed. It is claimed that the injury was over the right knee and on account of that there was inflammation in the joint and there was difficulty in walking and thus, he was taken to Tiruppur Government Hospital and later referred to a private hospital at Tiruppur. The documents have been filed to show the nature of injury. Even though it was claimed that there was permanent disablement, the Tribunal did not accept the same as no Doctor was examined. The discharge summaries issued by both the hospitals at Tiruppur have been filed. As there was no indication with regard to the nature of injury that whether it is simple or grievous, the Tribunal did not consider the claim of permanent disablement. But the Tribunal should have given breakup details, i.e., the extra nourishment, transport expenses, loss of income for the treatment period, cost of attendant, etc., Such breakup details are not given. However, if the individual heads of claim are considered, the total amount awarded at Rs.25,000/- which includes those heads, (excepting the medical treatment) cannot be said to be excessive.

7. In view of the above reasonings, this Court is of the view that the amount of compensation, as already awarded by the Claims Tribunal, is fair enough to compensate the injured / claimant. Therefore, the Civil Miscellaneous Appeal filed by the Transport Corporation has no merits. The award of compensation passed by the Claims Tribunal does not require any interference by this Court. Thus, the Civil Miscellaneous Appeal is dismissed. No costs.

8. The appellant / Transport Corporation is directed to deposit the amount of compensation, as awarded by the Tribunal, along with interest at 7.5% per annum, from the date of petition till the date of deposit, less the amount already deposited, if

any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the amount to the Savings Bank Account to the claimant / respondent, through RTGS, thereafter. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

srk

To

1.The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Additional Subordinate Court,
Tiruppur.

2.The Section Officer,
V.R.Section, Madras High Court,
Chennai 104

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.92161

+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.92269

C.M.A.No.3505 of 2017
& C.M.P.No.22269 of 2017

GN(16/04/2018)

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