

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.795 of 2017  
and C.M.P.No.4159 of 2017

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
Coimbatore Division-II,  
Chennimalai Road,  
Erode.

... Appellant/2<sup>nd</sup> Respondent

Vs

1.Subramani @ Subramaniam

2.Ganesan [given up] ... Respondents/Petitioner/1 Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 13.04.2006 made in M.C.O.P.No.204 of 2004 on the file of the Motor Accidents Claims Tribunal, Principal Sub Court, Gobichettipalayam.

For Appellant : Mr.N.Anand

J U D G M E N T

The claimant, Subramanai @ Subramaniam, aged 40 years, a barber, earning a sum of Rs.6,000/- per month, met with an accident on 11.05.2004 in which he sustained injuries. Therefore, he filed a claim petition claiming compensation in a sum of Rs.9,48,000/- as compensation.

2.The Tribunal, on consideration of oral and documentary evidence, awarded compensation in a sum of Rs.25,000/- towards pain and suffering and nourishment.

3.Challenging the award as excessive, the Transport Corporation has filed this appeal.

4.Learned counsel appearing for the appellant contended that the claimant had suffered only simple injuries and the same would not affect his earning power and therefore, the compensation requires interference.

5. Though very many grounds have been raised in the appeal assailing the order of the Tribunal, however, at the time of argument, learned counsel appearing for the appellant restricted his argument only insofar as the quantum of compensation awarded by the Tribunal and, therefore, this Court is dealing only with the said issue pertaining to quantum of compensation.

6. A perusal of the records reveal that the claimant had suffered 15% disability as is evident from Ex.P7. Further, a perusal of Ex.P6 Wound Certificate reveals that the claimant had suffered only simple injuries. Therefore, the Tribunal has awarded compensation in a sum of Rs.25,000/- only under the head pain and suffering and nourishment. For the simple injuries sustained, the Tribunal has awarded only a compensation of Rs.25,000/- which by no way could be said to be excessive. The contention of the appellant that the compensation is excessive is liable to be rejected. Even assuming it to be excessive, the award is of the year 2006 and it is not fair to reduce it in 2017, when the award itself is Rs.25,000/-.

7. For the reasons aforesaid, there being no merits in the appeal, it is liable to be dismissed. Accordingly, the appeal is dismissed confirming the award passed by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

8. The appellant/Transport Corporation is directed to deposit the entire award amount along with interest at 9% per annum from the date of petition till the date of deposit, less the amount, if any, already deposited, to the credit of the claim petition, 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 award amount directly to the bank account of the claimant/first respondent through RTGS within a period of two weeks thereafter.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS V)

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Sub Assistant Registrar

gya/GLN

To

1. Motor Accidents Claims Tribunal,  
Principal Sub Court,  
Gobichettipalayam.

2.The Section Officer,  
VR Section, High Court,  
Madras.( 2 Copies)

C.M.A.No.795 of 2017  
and  
C.M.P.No.4159 of 2017

RJ(CO)  
GN(26/03/2018)



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