

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.256 of 2010
and M.P.No.1 of 2010

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Division - I,
Villupuram. ... Appellant/Respondent

Vs.

Shanthi ... Respondent/Claimant

Prayer : Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 17.06.2009 made in MCOP. No.142 of 2007 on the file of the Motor Vehicles Accident Claims Tribunal, Additional Sub Judge, Tindivanam

For Appellant : Mr.K.J.Sivakumar
For Respondent : Mr.S.Lakshmanasamy

JUDGMENT

In a road accident that took place on 05.3.2007 at about 4.45 p.m. a bus belonging to the appellant dashed against the claimant, when she was fetching water from a public tap. In the said accident, the claimant suffered grievous injuries, for which she moved the Tribunal with a claim of Rs.2,00,000/- as compensation.

2. The claimant is said to be working as a coolie and was stated to be earning about Rs.100/- per day. After appreciating the evidence before it, the Tribunal passed an award for Rs.66,000/- payable with interest at 7.5% per annum. This is now challenged by the appellant both on account of negligence as well as quantum.

3. The only point raised by the learned counsel for the appellant is that Tribunal has evaluated the percentage of disability excessively at 27%, when the same was not supported by evidence. It granted about Rs.20,000/- for grievous injuries and Rs.27,000/- towards loss of future income.

4. Per contra, the learned counsel for the respondent contended that even if it is considered that the compensation

awarded is termed excessive, the fact remains that the Tribunal has awarded a bare Rs.5,000/- towards pain and suffering, and that needs to be addressed.

5. After hearing the rival submissions and on perusing the records, I find that the total amount as per the impugned award is in order, though there can be internal adjustment on individual heads of compensation.

6. In the result, I find no merit and the appeal is dismissed without costs. The appellant/insurance company is directed to deposit the award amount of compensation with accrued interest, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this order, whereupon the claimant is entitled to withdraw the same forthwith. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

ds

To:

1. The Additional Sub Judge
Motor Accidents Claims Tribunal
Tindivanam.
2. The Section Officer
VR Section
High Court, Madras.

+1 CC to Mr.S. Lakshmanasamy, advocate sr 56481.

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KJI(CO)
sp(10/10/2017)