

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

C.M.A.No.768 of 2008
and
MP.No. 1 of 2008

The Managing Director
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division I
No.37, Mettupalayam Road,
Coimbatore. ... Appellant/Respondent

Vs.

K.Subramaniam ... Respondent/Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Decree and Judgement in M.A.C.T.O.P.No.1011 of 2003 dated 27.10.2006 passed by the Motor Accident Claims Tribunal cum Fast Track Court No.4, Coimbatore.

For Appellant : Mr.N.Anand
For Respondent : Mr.M.Selvam

JUDGMENT

The State Transport Corporation, Coimbatore, is the appellant. The claimant, who sustained injury in an accident, filed the claim petition for a total compensation of Rs.5,00,000/-.

2. On 17.09.2003, at about 2.00 a.m., while he was driving moped, bearing Registration No.TN-39-K-4394. The driver of the bus bearing Registration No.TN-38-N-0526 owned by the Transport Corporation, drove it in a rash and negligent manner and dashed against the claimant. The claimant has given evidence in support of this case. The driver of the bus was examined as RW-1. He deposed that the claimant drove his vehicle in a negligent manner and dashed against the bus.

3. In connection with the accident, a criminal case has been registered against the driver of the bus. The driver of the bus has not preferred any complaint against the claimant. The evidence of the PW-1 coupled with the registration of criminal case against the driver of the bus would establish that the accident occurred only due to the rash and negligent driving of the bus driver.

4. Coming to the quantum of compensation, the Tribunal awarded a total compensation of Rs.2,70,800/- under various heads as detailed below:-

Pain and suffering	-	Rs.	25,000
Transportation	-	Rs.	1,500
Extra nourishment	-	Rs.	5,000
Damage to vehicle	-	Rs.	1,500
Medical Expenses	-	Rs.	1,47,800
Permanent disability	-	Rs.	90,000
Total	-	Rs.	2,70,800

5. Ex.P2, would certificate issued to the claimant. He has suffered 6 grievous injuries and three simple injuries. As per Ex.P3, he took treatment as an inpatient from 17.09.2003 to 09.10.2003. He purchased medicines for Rs.1,47,784/- as per Ex.P4. He incurred hospital expenditure to the tune of Rs.50,875/-. The Tribunal awarded towards medical expenditure only to the tune of Rs.1,47,800. The appellant has given evidence that the accident affected his earning capacity. The Tribunal has not taken into account the hospital expenditure of Rs.50,875/-. The Tribunal fixed the permanent disability at 50%. There is evidence to support the claim of the income of the claimant, the Tribunal fixed his monthly income only at Rs.3,000/-. Totally the Tribunal awarded only Rs.90,000/- under the head of permanent disability. The Tribunal awarded only reasonable amount of Rs.25,000/- under the head of pain and sufferings. Having regard to the hospitalization and the nature of injuries and the places of treatment, the Tribunal awarded reasonable amount under the head. I am satisfied with the Tribunal awarded the total compensation of Rs.2,70,800/-, is justified on facts and the award does not require any interference.

6. In the above circumstances, the appeal is dismissed and the award passed by the Tribunal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kmi
To:

1. The Motor Accident Claims Tribunal cum
Fast Track Court No.4,
Coimbatore.
2. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.N.Anand, Advocate Sr.10418
+1cc to Mr.M.Selvam, Advocate Sr.9919

C.M.A.No.768 of 2008

vgi[col]
srg 4/4/2017

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