

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 03.02.2017
CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.667 of 2017
and
CMP.No.3725 of 2017

Tamil Nadu State Transport Corporation Limited,
Namakkal Branch, by its Managing Director.

.. Appellant/Respondent in Trial Court

versus

Karuppaiyah .. Respondent/Petitioner in Trial Court

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the award made in M.C.O.P.No.976 of 2001 dated 03.07.2002 on the file of the Motor Accidents Claims Tribunal (Sub-Court), Namakkal.

For appellant : Mr.P.Jagadeeswaran
for Mr.T.Chandrasekaran

J U D G M E N T

Challenging the finding of negligence as well as quantum of compensation awarded by the Claims Tribunal, the Transport Corporation has preferred this Civil Miscellaneous Appeal.

2.The claimant, Karuppiah, aged 65 years, employed as a watch man, earning a sum of Rs.5,000/- per month met with an accident on 13.08.2001 due to which he sustained grievous injuries. Hence, he filed a claim petition in M.C.O.P.No.976 of 2001 seeking compensation for a sum of Rs.3,00,000/-.

2. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs.82,595/- (Rupees Eighty Two Thousand Five Hundred and Ninety Five only), with interest @ 9% per annum from the date of petition till the date of deposit. The break-up details of the same are as follows:

Permanent disability	-	Rs.50,000/-
Medical Bills	-	Rs.22,595/-
Pain and sufferings	-	Rs.10,000/-

Rs.82,595/-

3. The learned counsel for the appellant submits that the Claims Tribunal has wrongly fixed the negligence on the part of the driver of the appellant Corporation. He would further submit that the compensation awarded by the Claims tribunal is very high and the same needs to be reduced.

4. A perusal of the award passed by the Claims Tribunal reveals that the Claims Tribunal on considering Ex.P1- F.I.R., has rightly fixed the negligence on the part of the driver of the appellant Corporation. No evidence to the contra has been placed before the Tribunal to render a different finding. In such view of the matter, the finding on negligence by the Tribunal cannot be interfered with.

5. As far as quantum is concerned, the claims Tribunal on considering the evidence of P.W.2- Doctor, who examined the claimant and issued Ex.P5- disability certificate, whereby the disability has been assessed @ 45%, has awarded a sum of Rs.50,000/-. The Tribunal, on considering the injury, the period of treatment undergone and the impact on the injury on the future life of the claimant has awarded the said sum. The said quantification of compensation towards permanent disability cannot be said to be excessive.

6. The Tribunal has awarded a sum of Rs.22,595/- towards medical expenses, which is supported by medical bills, which have been filed as Ex.P-4. On a consideration of the injuries sustained by the claimant, the Tribunal has awarded a sum of Rs.10,000/- towards pain and sufferings, which compensation is just and reasonable and the same need not be interfered with.

7. In the result, this Appeal stands dismissed, confirming the award Judgment and decree of the Claims Tribunal in M.C.O.P.No.976 of 2001, dated 03.07.2002.

8. The Transport Corporation is directed to deposit the entire compensation amount awarded by the Tribunal, less the amount if any, already deposited, along with interest as ordered by the Tribunal from the date of petition till the date of deposit, to the credit of 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 shall transfer the same directly to the Bank Account of the claimant through RTGS, within a period of two weeks thereafter.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

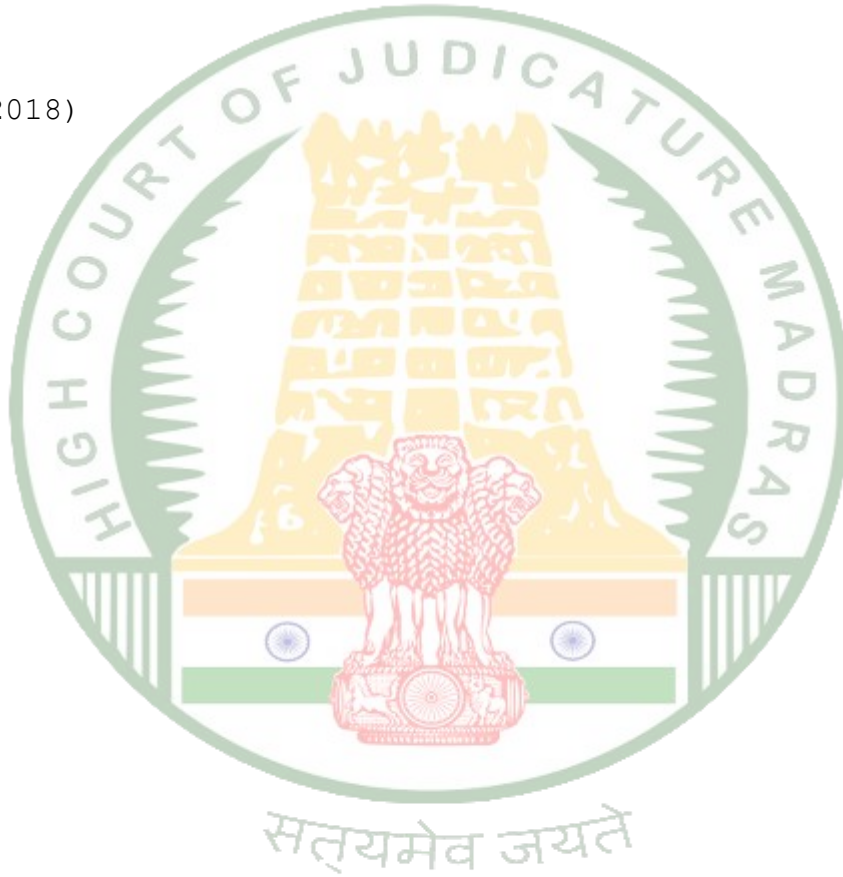
arr/GLN

To

- 1.The Motor Accidents Claims Tribunal (Sub-Court), Namakkal.
- 2.The Section Officer, VR Section,
High Court, Madras.

C.M.A. No.667 of 2017

RK (CO)
SP (28/03/2018)



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