



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1214 of 2015

and

M.P. (MD) No.2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Koviloor Salai,
Karaikudi Taluk,
Sivagangai District.

... Appellant / Respondent

Vs.

Chokku

... Respondent / Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree dated 09.01.2014 passed in M.C.O.P.No.42 of 2012 on the file of the Motor Accidents Claims Tribunal/Sub Court, Devakottai.

For Appellant	: Mr.P.Prabhakaran
For Respondents	: Mr.B.Muruganantham

JUDGMENT

Heard the learned counsel on either side.

2.Tamil Nadu State Transport Corporation, Kumbakonam is filed this appeal on the ground of quantum.

3.The claimant was riding his bicycle. The bus belonging to the appellant Corporation appears to have brushed the handle bar of the cycle. The claimant contends that his little finger got crushed in the said accident. The Tribunal has awarded a sum of Rs.1,01,500/- as compensation. The Tribunal has fixed a sum of Rs.50,000/- as loss of income. There is absolutely no basis for the same. Therefore, the same has to be reduced as Rs.10,000/-. For pain and suffering, a sum of Rs.20,000/- and for the injury suffered by him, a sum of Rs.10,000/- can be awarded. For extra nourishment, Rs.5,000/- can be awarded. Thus, in all, the claimant is entitled to Rs.50,000/- alone. The award dated 09.01.2014 passed in M.C.O.P.No.42 of 2012 on the file of the Motor Accidents Claims Tribunal/Sub Court, Devakottai is modified accordingly.



4. The appellant Transport Corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum and costs, from the date of petition till date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. The appellant Transport Corporation is entitled to refund the balance amount, if any.

5. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
01/11/2017

FOR BEING MENTIONED

This matter having been posted today on Wednesday, the Seventh day of March 2018. Under the caption "For Being Mentioned" and pursuant to the order of this Court dated 01.11.2017 and made herein and in the presence of Mr. P. Prabhakaran, Advocate for the Appellant and of Mr. B. Muruganandam, Advocate for the respondent and the Court made the following order.

The Civil Miscellaneous Appeal is being listed at the instance of the learned counsel for the appellant under the caption "For being Mentioned" in order correct factual errors which have crept in the Judgment.

2. In paragraph 3 of the order, it is recorded that the claimant is entitled to Rs.50,000/- alone. Since the amount toward transportation is not stated in the judgment, the same shall be corrected by stating that a sum of Rs.5000/- is awarded towards transportation. Therefore, there is no need to make any modification in the total amount.

3. Accordingly, the Judgment stands corrected as above.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



To

(To be Substituted to the order already despatched on 27.12.2017)

1.The Subordinate Judge,
Motor Accidents Claims Tribunal,
Devakottai.

2.The Record Keeper, V.R.Section
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.B.Muruganantham, Advocate SR.No. 84732

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 84781

C.M.A. (MD) No.1214 of 2015
and

M.P. (MD) No.2 of 2015
01.11.2017

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JM/KK/SAR 1/20.12.2017/2P/5C

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