



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1271 of 2015

and

MP(MD) No.2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Bye-pass Road, Madurai. ... Appellant

Vs.

1.S.Chinnadurai
2.K.Gopal

3.The Branch Manager,
National Insurance Company Limited,
175-a, Great Cotton Road,
Thoothukudi. ... Respondents

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree order made in MCOP.No.53 of 2012, dated 28.02.2013 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Thoothukudi.

For Appellants : Mr.P.Prabhakaran

For Respondents : Mr.S.Sivathilakar for R1

Mr.J.S.Murali for R3

No appearance for R2

JUDGMENT

Tamil Nadu State Transport Corporation has filed this Civil Miscellaneous Appeal questioning the award dated 28.02.2013 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate Court, Thoothukudi.

2.The first respondent herein was travelling as a passenger in the Mini Bus belonging to the second respondent on 13.10.2010 in Thoothukudi - Ettayapuram main road. It met with an accident involving the bus belonging to the appellant corporation. The



claimant suffered multiple injuries all over the body including his spinal cord. He was an inpatient in the hospital from 13.10.2010 to 30.10.2010. He was 43 years old and he lost one year income as a result. He claimed compensation of Rs.15,00,000/-.

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3.The Tribunal fixed the negligence on the driver employed by the appellant corporation. Final report was filed against the appellant's driver. Based on the oral and documentary evidence, the Tribunal has given a finding that negligence must be attributed to the driver of the appellant corporation. The said finding stands confirmed. As regards the compensation payable to the claimant, the Tribunal fixed the monthly income at Rs.4,500/-. Disability was fixed at 80%.

4.Since the claimant had suffered functional disability, pecuniary loss was fixed at Rs.2,54,000/-. Towards pain and sufferings a sum of Rs.1,00,000/- was awarded. For permanent disability a sum of Rs.80,000/- was awarded. The sums awarded under other conventional heads are also reasonable. A sum of Rs.6,10,290/- was finally awarded. By no stretch of imagination can this amount be said to be excessive and therefore I am of the view that there is no merit in this appeal.

5.The appeal is dismissed. The award dated 28.02.2013 made in MCOP.No.53 of 2012 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Thoothukudi is confirmed. The appellant is directed to deposit the entire compensation amount with accrued interest and costs as awarded by the Tribunal within a period 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 same, less the amount already withdrawn by him, if any by filing proper application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate Court, Thoothukudi.



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

+1cc to Mr.S.Sivathilakar, Advocate Sr.No.83907
+1cc to Mr.P.Prabhakaran, Advocate Sr.No.83680
+1cc to Mr.J.S.Murali, Advocate Sr.No.83646

SKM

VB/MR/KKR/SAR2/05/12/2017/3P/6C

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