



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

Coram:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.373 of 2017

and

C.M.P(MD)No.4045 of 2017

The General Manager,
TNSTC(Kumbakonam)Limited,
Periyamilaguparai,
Trichy Region,
Tiruchirappalli.

.. Appellant/Respondent

-Vs-

N.Dhanam

..Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the award and decree made in M.C.O.P.No.6007 of 2013, dated 07.01.2016, on the file of the Motor Accident Claims Tribunal(Special Sub-Court), Tiruchirappalli

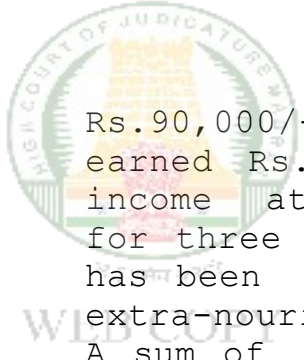
For Appellant : M/s.P.Prabhakaran

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the award in M.C.O.P.No.6007 of 2013, dated 07.01.2016, on the file of the Motor Accident Claims Tribunal(Special Sub-Court), Tiruchirappalli.

2.The Transport Corporation has suffered an award for a sum of Rs.1,88,701/- for the injuries suffered by the claimant in a motor accident that occurred on 18.05.2013. The accident is not in dispute and though it is averred that the injured was negligent while crossing the road, the appellant/Transport Corporation has not chosen to examine either the Driver or Conductor of the bus to prove such negligence. The trial Court on analysis of the evidence, found that the driver of the appellant/Transport Corporation bus was rash and negligent and had caused the accident.

3.Regarding the quantum of compensation, it is found that the <https://hcservices.products.gov.in/hcservices> has suffered permanent disability at 45% and awarding a sum of Rs.2,000/- per percentage of disability, the Tribunal arrived at a compensation for disability at



Rs.90,000/- and though the it is averred that the claimant had earned Rs.10,000/-p.m., the Tribunal has fixed the loss of income at Rs.4,500/- per month and granted a sum of Rs.13,500/- for three months loss of earning capacity. A sum of Rs.20,000/- has been granted towards pain and suffering, Rs.5,000/- towards extra-nourishment, a sum of Rs.5,000/- towards transport expenses. A sum of Rs.53,201/- has been awarded towards medical expenses strictly based on the medical bills. A sum of Rs.2,000/- has been awarded towards attendant charges. I find no arbitrariness in the quantum of compensation awarded by the Tribunal and it cannot be termed as excessive. Hence I do not find any reason to interfere with the award of the Tribunal.

4. Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. (Special Sub-Judge),
The Motor Accident Claims Tribunal
Tiruchirappalli.

+1 CC TO MR.P.PRABHAKARAN, ADVOCATE, SR NO.53729

VSN

MAS/JC/SAR4:12.05.2017:2P-3C

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