



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.01.2017
CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WEB COPY

C.M.A. (MD) No.1483 of 2016
and
C.M.P (MD) No.12405 of 2016

Tamil Nadu State Transport Corporation,
represented by its
Managing Director,
Tirunelveli Division - 2.

... Appellant/
Respondent

Vs.

A.Basha John

... Respondent/
Petitioner

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 25.01.2006, made in M.C.O.P.No.371 of 2004, by the Motor Accident Claims Tribunal - cum - Additional Sub Court, Tenkasi.

For Appellant : Mr.R.Janakiramulu

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant-Transport Corporation against the award of Rs.1,00,000/- (Rupees One Lakh only) to the respondent/claimant as compensation for the injury sustained by him in the accident which occurred on 24.09.2003, when the respondent/claimant was travelling along with others in a Mahindra Van which was hit by the bus belonging to the appellant-Transport Corporation. Many people died in the accident and the respondent/claimant sustained injuries. Therefore, the claim petition.

2. On contest, the Tribunal found that the bus was driven in a rash and negligent manner and awarded the compensation.

3. As far as the respondent/claimant is concerned, he sustained injuries on the left shoulder; injuries on the right hand and lacerated wound on the left thigh. Therefore, based on the evidence of P.W.6 - Doctor and as per Ex.P.15 - Disability Certificate, the Tribunal found that the respondent/claimant sustained 20% disability and awarded a sum of Rs.27,500/- (Rupees Twenty Seven Thousand and Five Hundred only) towards partial compensation for his disability. There is no contra evidence on the side of the appellant-Transport Corporation regarding the disability. Therefore, the said amount is confirmed.



4. The amounts awarded under the other heads, viz., a sum of Rs.50,000/- (Rupees Fifty Thousand only) towards pain and sufferings; a sum of Rs.15,000/- (Rupees Fifteen Thousand only) towards medical expenses; a sum of Rs.5,000/- (Rupees Five Thousand only) towards extra nourishment and a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) towards transportation charges, are all reasonable and the Tribunal rightly awarded the same based on the medical records as well as the disability sustained by the respondent/claimant. The rate of interest at 9% per annum awarded by the Tribunal is confirmed. Therefore, there is no illegality or perversity in the award passed by the Tribunal.

5. In the result, this Civil Miscellaneous Appeal fails and the same is dismissed, confirming the judgment and decree dated 25.01.2006, made in M.C.O.P.No.371 of 2004, by the Motor Accident Claims Tribunal - cum - Additional Sub Court, Tenkasi. The appellant-Transport Corporation is directed to transfer the award amount along with interest at the rate of 9% per annum from the date of petition till date of realisation and proportionate costs, to the Personal Savings Bank Account Number of the respondent/claimant through RTGS/NEFT directly, within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar



1.The Motor Accident Claims Tribunal - cum -
Additional Sub Court, Tenkasi.

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

3.Copy to:
A.Basha John,
S/O.Abdul Rahman,
Tenkasi Kasbha,
2,Somapuram Mettu Street,
Tirunelveli District.

+1cc to M/s.R.Janakiramulu, Advocate, in SR No.384

rsb

AAM RR BS 30.01.2017 3P 5C

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