



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.22 of 2015 and
M.P. (MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi. ... Appellant/Respondent

Vs.

Rajeswari ... Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Judge, Devakottai in MCOP.No.111 of 2009 dated 03.09.2010.

For Appellant : Mr.D.Sivaraman
For Respondent : Mr.D.Balamurugapandi

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Managing Director, Tamil Nadu State Transport Corporation, Karaikudi challenging the award dated 03.09.2010 made in MCOP.No.111 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Judge, Devakottai.

2.The claimant was getting down from the bus belonging to the appellant corporation. Even before she could get down, the bus was started and on account of the rash and negligent act of the bus driver, the claimant fell down and suffered head injuries. She therefore sought compensation. The Tribunal passed the impugned award directing the appellant corporation to pay a sum of Rs.1,65,000/- together with interest. Aggrieved by the same, this Civil Miscellaneous Appeal has been filed.

3.The learned counsel for the appellant would contend that awarding a sum of Rs.50,000/- for injuries in addition to award a sum of Rs.50,000/- for disability amounts to double compensation. I find force in the said submission. But that would not make any difference to the final outcome. However, the compensation payable to the claimant can be re-worked as under :



For the head injury and disability suffered by the claimant was Rs.50,000/-
A sum of Rs.20,000/- can be awarded for transportation.
Rs.20,000/- for extra nourishment
Rs.10,000/- for attendants and Rs.40,000/- for future medical expenses
Rs.25,000/- for pain and sufferings.
Total = Rs.1,65,000/-

4.This amount cannot be said to be excessive. The Tribunal rightly awarded a sum of Rs.1,65,000/- together with interest. I do not find any reason to interfere with the same. The award dated 03.09.2010 made in M.C.O.P.No.111 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Judge, Devakottai is confirmed.

5. The appellant corporation is directed to deposit the entire compensation amount with interest as awarded by the Tribunal from the date of petition till the date realization and costs, within a period of eight 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 her, if any, filing proper application before the Tribunal.

6. This appeal therefore is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Devakottai.

Copy To:-

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 81998

SKM/ARUL

TE/MR-KKR/SAR-3 : 28/12/2017 : 2P/4C