



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2017

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THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.M.A(MD)No.728 of 2017

and

C.M.P(MD) .No.7712 of 2017

Tamil Nadu State Transport Corporation
Through its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

... Appellant / Respondent

Vs

Panchavarnam

...Respondent / Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and award made in M.C.O.P.No.17 of 2013 dated 05.11.2014 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sivagangai.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.K.Kumaravel (For Caveator)

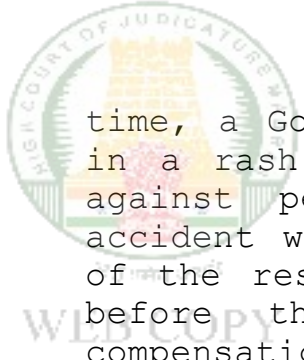
J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant against the judgment and award made in M.C.O.P.No.17 of 2013 dated 05.11.2014 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Sivagangai.

2.Before the Tribunal, the appellant herein is the respondent and the respondent herein is the petitioner.

3. The case of the claimant in the petition is briefly as follows:

On 10.09.2012 at about 2.45 p.m., the petitioner/claimant was travelling as a pillion rider in a Hero Honda Motor cycle bearing registration No.TN-67-D-4264 from Manamadurai to Madurai, at that



time, a Government bus bearing Registration No.TN 38 N 2639 came in a rash and negligent manner behind the motor cycle and hit against petitioner and she sustained grievous injuries. The accident was happened only due to the rash and negligent driving of the respondent. Hence, the petitioner filed a claim petition before the Tribunal claiming a sum of Rs.5,00,000/- as compensation.

4. Before the Tribunal on the side of the petitioner, P.Ws.1 and 2 were examined and Exs.P1 to P6 were marked and on the side of the respondent, R.W.1 was examined and no document was marked.

5. On consideration of the evidence available on record, the Tribunal has awarded a sum of Rs1,65,000/- with interest at the rate of 7.5%. Challenging this award, the present appeal has been filed by the Transport Corporation.

6.Heard the learned counsel for the petitioner and the learned counsel for the respondent and also perused the materials available on record.

7.At the outset, the learned counsel for the appellant fairly conceded that he is not disputing the accident but he is disputing only the quantum awarded by the Tribunal. So, the finding of the Tribunal regarding rash and negligent driving of the driver of the bus does not require any interference.

8.The learned counsel for the appellant argued that the Tribunal has awarded higher amount on various heads and especially, on a case of injury, a sum of Rs.50,000/- has been awarded for pain and sufferings, which is in the higher side and hence, the same may also be modified.

9.Considering the submissions made by the learned counsel for the appellant, I am of the opinion that the person who sustained injuries, is having life time problem and hence, the pain and sufferings cannot be expressed in words and figures and therefore, the amount awarded by the Tribunal for pain and sufferings, is reasonable and hence, the same does not require any interference.

10.Accordingly, the award of Tribunal is confirmed. The appellant / Transport Corporation is directed to deposit the entire award amount, less the amount already deposited, with accrued interest at the rate of 7.5% per annum, from the date of petition till the date of realization, within a period of six weeks from the date of receipt of a copy of this order, if not already deposited. On such deposit being made, the claimant is directed to draw the award amount with proportionate interest and costs, without filing any formal petition before the Court below.



11.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

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/True copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sivagangai.

+1 cc to Mr.K.Kumaravel , Advocate in SR.No. 74149

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 74049

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