



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2017

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THE HONOURABLE MRS. JUSTICE J. NISHA BANU

C.M.A(MD) No. 507 of 2015

and

M.P. (MD) No. 3 of 2015

The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathi Nagar,
Karaikudi Town,
Sivagangai District. ... Appellant / Respondent

Vs.

M.Palanichamy ... Respondent / Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and award made in M.C.O.P.No.105 of 2010 dated 18.09.2012 on the file of the Motor Accidents Claims Tribunal, Sub Court, Paramakudi.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.D.Senthil

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Appellant/ Transport Corporation against the Judgment and award made in M.C.O.P.No.105 of 2010 dated 18.09.2012 on the file of the Motor Accidents Claims Tribunal, Sub Court, Paramakudi.

2. The brief facts of the case are as follows:

It is a case of injury which caused in the accident which took place on 17.02.2010 at about 07.30p.m.. When the injured was riding on his motor cycle bearing Registration No. TN.63.F.0130 in Madurai- Rameshwaram road, towards Paramakudi, a bus belonging to the respondent Transport Corporation bearing Registration No. TN-63-N-1326, came in a rash and negligent manner and dashed against the claimant. Due to the said impact, the injured claimant sustained multiple grievous injuries all over the body.



Immediately after the accident, he was admitted in the Paramakudi Government Hospital and he was taking treatment continuously. At the time of the accident, the claimant was aged about 55 years and he was earning a sum of Rs.23,974/- per month by working as Sub-Inspector of Police. Hence, the injured claimant filed a claim petition in M.C.O.P.No.105 of 2010, on the file of the Motor Accident Claims Tribunal Subordinate Court, Paramakudi, claiming a sum of Rs.15,00,000/- as compensation.

3. Before the Tribunal, on the side of the claimant, three witnesses viz., P.Ws.1 to P.W.3 were examined and twenty documents viz., Exs.P.1 to P.20 were marked and on the side of the respondents, one witness viz., R.W.1 was examined and no document was marked.

4.The Tribunal, after considering the pleadings, oral and documentary evidence and arguments of the counsel appearing on either side and also appreciating the evidence on record, held that the accident occurred only, due to the rash and negligent driving of the driver of the offending vehicle and directed the appellant/Transport Corporation to pay a sum of Rs.10,01,789/-, as compensation under the following heads:

for pain and sufferings	: Rs. 40,000/-
for transport expenses	: Rs. 10,000/-
for attendant charges	: Rs. 20,000/-
for extra nourishment	: Rs. 30,000/-
for medical expenses	: Rs. 5,73,232/-
for loss of pay	: Rs. 2,12,557/-
for 58% disability	: Rs. 1,16,000/-

Total	Rs.10,01,789/-

5. Against which, the appellant/Transport Corporation has filed the present Civil Miscellaneous Appeal only questioning the quantum of compensation.

6. The only contention raised by the learned Counsel for the appellant is that the Tribunal has wrongly granted a sum of Rs.2,12,557/- towards loss of salary and hence, he seeks interference of this Court to the award passed by the Tribunal.



7. The learned Counsel for the respondent/claimant would submit that based on the oral and documentary evidences available on record, the Tribunal has correctly found that the accident had occurred only due to the rash and negligent driving of the offending vehicle and granted the just and fair compensation under various heads. Hence, he would submit that there is no need for interference at the hands of this Court.

8. Heard the learned Counsel for the Appellant and the learned Counsel for the respondent and perused the materials available on record.

9. On a reading of the finding of the Tribunal and the award granted under various heads, it is clear that due to the accident, the claimant was not able to do his work as Sub-Inspector of Police. Due to the said accident, he has been granted 238 days leave without any salary, which is evident from his salary certificate. Hence, the Tribunal has rightly granted the amount of loss of pay during the leave period. The amounts awarded by the Tribunal under the other heads are also very just and reasonable. Hence, this Court is of the view that there is no error in the finding of the Tribunal and the Tribunal has awarded just and reasonable compensation. Hence, there is no infirmity or irregularity in the award passed by the Tribunal. Therefore, this Civil Miscellaneous Appeal deserves to be dismissed.

10. In the result, this Civil Miscellaneous Appeal is dismissed and the award made in M.C.O.P.No.105 of 2010 on the file of Motor Accident Claims Tribunal, Subordinate Court, Paramakudi, is hereby confirmed. The appellant/Transport Corporation is directed to deposit the entire award amount with accrued interests and costs, within a period of eight weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the claimant is permitted to withdraw the entire award amount with accrued interests and costs without filing any formal petition before the Tribunal. No Costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To,

<https://hccs.courts.madras.gov.in/> The Subordinate Judge,
The Motor Accidents Claims Tribunal, Paramakudi.



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

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.76723
+1cc to M/S.D.SENTHIL, Advocate SR.No.76702

SSL

MAS/JC/SAR2:04.10.2017:4P-5C

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