



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.545 of 2015

and

M.P.(MD)Nos.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

... Appellant / Respondent

Vs.

Sudhakar

... Respondent / Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988, against the Judgment and Decree made in M.C.O.P.No.1359 of 2013, dated 31.10.2014, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur.

For Appellant	: Mr.P.Prabhakaran
For Respondent	: Mr.G.Karnan

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation against the Judgment and Decree made in M.C.O.P.No.1359 of 2013, dated 31.10.2014, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur.

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

It is a case of injury, which caused in the accident took place on 20.07.2011 at about 10.00p.m.. When the injured was travelling from Thanjavur old bus stand to Vannarapettai, in a bus belonging to the appellant /State Transport Corporation bearing Registration No.TN-01-N-3725, the bus was driver by its driver in a rash and negligent manner and dashed against a house. Due to



the said accident, the injured claimant sustained grievous injuries, for which, he filed a claim petition in M.C.O.P.No.1359 of 2013, on the file of the Motor Accident Claims Tribunal cum Special Subordinate Court, Thanjavur, claiming a sum of Rs.5,00,000/- as compensation.

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3. Before the Tribunal, on the side of the claimant, nine witnesses viz., P.W.1 to P.W.9 were examined and 11 documents viz., Exs.P.1 to P.11 were marked and on the side of the respondent, neither any witness was examined nor any 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.3,93,000/-, as compensation.

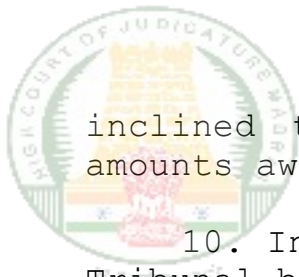
5. Against which, the appellant/Transport Corporation has filed the present Civil Miscellaneous Appeal only with regard to quantum of compensation.

6. The only contention raised by the learned Counsel for the appellant/Transport Corporation is that the amounts awarded by the Tribunal towards face disfigurement and loss of amenities are on higher side. Hence, he seeks interference of this Court in the award passed by the Tribunal.

7. The learned counsel for the respondent would submit that based on the available oral and documentary evidences, the Tribunal has rightly come to the conclusion and arrived at correct compensation under various heads.

8. Heard the learned Counsel for the appellant and the learned Counsel for the respondents and perused the materials available on record.

9. This Civil Miscellaneous Appeal is filed only questioning the quantum of compensation. This Court feels that the amount awarded by the Tribunal under head of face disfigurement to a sum of Rs.1,00,000/- is reasonable, considering the nature of injuries sustained by him during the accident and the disfigurement made in his face due to the accident. The amount awarded by the Tribunal towards loss of amenities to a sum of Rs.1,00,000/-, which this Court feels that it is on higher side, hence, it is inclined to reduce the same to Rs.50,000/-. Considering the pain and suffering undergone by the injured claimant due to the injuries sustained by him, this Court feels that the amount awarded by the Tribunal under this head is very meagre, hence, this Court is



inclined to increase the same to a sum of Rs.50,000/-. The amounts awarded under other heads shall stand unaltered.

10. In view of the above, this Court modifies the award of the Tribunal by reducing the compensation as under:

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S.No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For permanent disability	1,14,000	1,14,000	confirmed
2	For attendant charges	800	800	confirmed
3	For face disfigurement	1,00,000	1,00,000	confirmed
4	For loss of amenities	1,00,000	50,000	reduced
5	For future medical expenses	10,000	10,000	confirmed
6	For pain and sufferings	30,000	50,000	enhanced
7	For loss of income during the treatment period	18,000	18,000	confirmed
8	For transportation charges	10,000	10,000	confirmed
9	For extra nourishment	10,200	10,200	confirmed
	Total	3,93,000	3,63,000	By reducing a sum of Rs.30,000

11. In the result, this Civil Miscellaneous Appeal is partly allowed by reducing the award of compensation from Rs.3,93,000/- to Rs.3,63,000/-, dated 31.10.2014, passed in M.C.O.P.No.1359 of 2013, by the Additional Motor Accident Claims Tribunal, Special Subordinate Court, Thanjavur. The appellant/State 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 closed.

Sd/-

Assistant Registrar (CS-III)

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/True copy/

Sub Assistant Registrar

To

The Special Subordinate Judge/Motor Accident Claims Tribunal,
Thanjavur.

+ 1 CC TO MR.G.Karnan, ADVOCATE IN SR No.76600

+ 1 CC TO MR.P.Prabhakaran, ADVOCATE IN SR No.76611

ssl/gsp

MK/KK/SAR-1/09.10.2017/4P/4C

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