



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.685 of 2016

and

C.M.P.(MD) No.7152 of 2016

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

Vs.

A.Adaikkan ... Respondent / Petitioner

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 15.12.2015 made in M.C.O.P.No.380 of 2013 on the file of Motor Accident Claims Tribunal, III Additional Sub Court, Tiruchirapalli.

For Appellant : Mr.D.Sivaraman
Respondent : No Appearance

JUDGMENT

The Transport Corporation has filed this appeal questioning the impugned award particularly on the ground of quantum. The claimant had suffered injuries in the accident that took place on 07.11.2012, when he was proceeded in a two wheeler. The Tribunal held that the accident occurred on account of the rash and negligent driving of the driver employed by the appellant. Negligence was fixed on the driver. Therefore, the appellant was made naturally liable.

2.The claimant had taken treatment in the hospital for almost a month. Medical expenses alone have come to more than Rs.2,00,000/-. The compensation amount including medical expenses is only to the tune of Rs.4,60,000/-. It is true that one of the heads awarded is for "discomfort". It is obvious that what the Tribunal intended was "loss of amenities".

3.Considering the nature of injuries suffered by the claimant,expenditure incurred to the treatment and the quantum of compensation, I am inclined to confirm the award passed by the Tribunal.



4.The appellant is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum, from the date of petition, till the date of realization and costs, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit being made, the claimant is permitted to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
III Additional Sub Court, Tiruchirapalli.

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

+1cc to M/S.D.Sivaraman, Advocate SR.No. 89902

C.M.A. (MD) No.685 of 2016
24.11.2017

Arul

JM/MR KKR/SAR 1/29.12.2017/2P/4C