

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.112 of 2005
and
CMP.No.551 of 2005

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

..Vs..

Gopi Respondent/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment in M.A.C.T.O.P.No.876 of 2002 dated 17.02.2004 on the file of the Subordinate Judge, Motor Accidents Claims Tribunal, Thiruvallur.

For Appellant : Mr.P.G.Padmanabhan

For Respondent : No appearance

JUDGMENT

The appellant is the Managing Director, Tamil Nadu State Transport Corporation, Kancheepuram. The respondent/ claimant filed a claim petition in M.C.O.P.No.876 of 2002 before the Subordinate Judge, Motor Accidents Claims Tribunal, Thiruvallur under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.2,00,000/- for the injuries sustained by him, in a road accident that took place on 08.07.2002.

2.The brief case of the first respondent/claimant is as follows:

On 08.07.2002, the respondent/claimant was driving a van bearing Registration No.TS-J-1949 along Meenambakkam Airport Signal, Chennai. He was actually proceeding towards Ashok Nagar, from Tambaram. At about 6.30 p.m., he parked his Van due to breakdown and was standing on the left hand side of the road. At that time, a speeding bus bearing Registration No.TN-72-0538 belonging to the appellant, hit the respondent/ claimant, as a result of which, he sustained injuries all over his body.

Immediately, he was rushed to a nearby hospital.

3. According to the respondent/claimant, the rash and negligent driving of the driver of the bus belonging to the appellant was the cause of the accident and that therefore, they are liable to pay compensation of Rs.2,00,000/- to him.

4. The appellant/respondent filed a counter affidavit before the tribunal denying all the allegations of the claimant.

5. The trial Court after analysing the evidence on record, awarded a compensation of Rs.1,40,304/- to the respondent/ claimant for the injuries sustained by him.

6. Mr.P.G.Padmanabhan, learned counsel appearing for the appellant would contend that the trial court has awarded an exorbitant amount of Rs.1,40,304/- to the claimant and therefore, it has got to be reduced.

7. A perusal of the medical records shows that the first respondent/claimant sustained a fracture on his left shoulder (clavicle bone) and he was treated as an in patient in Pallava Hospital, Ashok Nagar, Chennai for three days. He had also incurred a sum of Rs.5,304/- towards Medical Expenses. Dr.Thyagarajan (PW2) has also assessed the partial permanent disability as 55%, as evidenced by the disability certificate Ex.A5.

8. The learned trial Judge has awarded compensation under various heads which is extracted hereunder:-

S.Nos.	Heads	Amount granted
1.	Partial Permanent Disability	60,000/-
2.	Transport charges	2,500
3.	Medical expenses	5,304/-
4.	Pain and Sufferings	20,000/-
5.	Extra Nourishment	2,500/-
6.	Loss of earning capacity	50,000/-
Total		Rs.1,40,304/-

9. The trial Court in fact has considered all the aspects and awarded a sum of Rs.1,40,304/- which by any stretch of imagination, can be said to be on the higher side. It is

pertinent to note that the respondent/claimant did not file any cross objection/appeal seeking for enhancement of compensation. In the facts and circumstances of the present case, I do not find any reason to interfere with the order of the trial Court. Accordingly, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Thiruvallur.

Copy TO

The Section Officer,
V.R. Section, High Court,
Madras.(2 copies)

+1cc to Mr.P.G.Padmanabhan, Advocate, S.R.No. 82784

C.M.A.No.112 of 2005
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