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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2018

CORAM

THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

CMA.No.2655 of 2006

and

M.P.No.1 of 2006

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Periyamilaguparai, Trichy-1 ... Appellant/Respondents

Versus

Shanmugasundaram ... Respondent /Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree made in MACT.O.P.No.559 of 2003 on the file of the Motor Accidents Claims Tribunal (District Judge) at Perambalur dated 30.06.2005.

For Appellant:Mr.M.Krishnamoorthy

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred against the Judgment and Decree passed in M.A.C.T.O.P.No.559 of 2003 on the file of the Motor Accidents Claims Tribunal (District Judge) at Perambalur dated 30.06.2005.

2.The brief facts leading to the claim application are as follows:-

On 21.10.2002, at about 7.45 p.m., when the petitioner was riding the motorcycle bearing Registration No.TN46B7283 along with his friend from Kunnam to Perambalur, on Ariyalur to Perambalur road near Kavulpalayam fertilizer godown towards east to west, at that time, the bus bearing Registration No.TN45N1327 which was coming from the same direction, driven by its driver in a rash and negligent manner, dashed against the petitioner's motor cycle. In the result, the petitioner and his friend fell down on the road. Due to the said accident, the petitioner sustained multiple grievous injuries all over the body and claimed a sum of Rs.2,00,000/- as compensation.

3.The respondent in the counter statement, denied the facts relating to the accident and also claim made by the claimant.



It is stated in the counter statement that on 21.10.2002, there was no accident whatsoever involving the vehicle bearing Registration No.TN45N1327 throughout the day in all its trip, more particularly at 19.45 hours, that too near Kavulpalaam fertilizers godown. There cannot be any more un-adulterated falsehood than in alleging that the bus dashed the claimant, who was then riding a motorcycle bearing Registration No.TN46B7283, coming in the same direction.

4.The Tribunal after analysing the evidence and documents placed before the same, has given a finding that it is the driver of the transport bus bearing Registration No.TN45N132, is responsible for the accident. The Tribunal has also awarded a sum of Rs.1,14,700/- under various heads as follows:-

Heads	Sum awarded by the Tribunal (Rs.)
Disability	32,000.00
Medical Expenses	52,700.00
Pain and Sufferings	15,000.00
Other Medical expenses	15,000.00
Total	1,14,700.00

5.Aggrieved against the said award, the Transport Corporation has preferred this appeal.

6.On a perusal of the records, it is seen that the injuries noted by the Doctor are 1.small abrasion over right anterior superior spine; 2.Right clavicle fractured C.T.Brain: confirms linear right petroal/paristal region non haemorrhagic contusion.

7.P.W.2 has also deposed before the Tribunal that the claimant has sustained injury on his head and blood outbreak in the right ear and operation was also performed in the head. The claimant is also suffering from giddiness and goes to unconscious state. The disability was assessed at 32%. On the side of the claimant, Ex.P5, medical bills were furnished and a sum of Rs.52,700/- was awarded which is very much supported by the relevant document. The sum awarded under the head pain and sufferings is Rs.15,000/- which is also reasonable. Hence, the compensation awarded by the Tribunal, at Rs.1,14,700/-, based on evidence and also based on the documents relating to injury, disability and the medical expenses, is proper and reasonable and cannot be said to be excessive. Hence, the award passed by the Tribunal is confirmed and the appeal is dismissed.



8. Accordingly, the appeal is dismissed by confirming the award of the tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal
(District Judge)
Perambalur
2. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.M.Krishnamoorthy, Advocate Sr.74460

CMA.No.2655 of 2006

rv[co]
srg 24/09/2019