

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2834 Of 2005 and
C.M.P.No.14583 of 2005

The Managing Director,
Tamil Nadu State Transport Corporation,
Division-I, 12, Ramakrishna Road, Salem.

... Appellant/Respondent

..Vs..

Perumal

...Respondent/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award passed on 24.06.2004 in M.C.O.P.No.327 of 2000 on the file of the Motor Accident Tribunal (Sub Court), Dharmapuri.

For Appellants : Mr.P.Jagadeeswaran

For Respondent : Mr.S.Sankaranarayanapandian

JUDGMENT

This appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation, Salem, under Section 173 of Motor Vehicles Act, 1988 against the award dated 24.06.2004 in M.C.O.P.No.327 of 2000 on the file of the Motor Accident Tribunal (Sub Court), Dharmapuri.

2.The brief case of the respondent/claimant is as follows: On 22.04.2000 at about 14.00 hours, the claimant was crossing Dharmapuri - Krishnagiri main road at Dharmapuri with his bicycle. At that time, a bus bearing Registration No. TN 27 N 1265 belonging to the Tamil Nadu State Transport Corporation, Salem came with a high speed and hit the respondent/claimant, as a result of which, the respondent/claimant sustained grievous injuries.

3. According to the respondent/claimant, the rash and negligent driving of the driver of the Tamil Nadu State Transport Corporation was the cause of the accident and that they are liable to pay compensation of Rs.1,00,000/- to him.

4. The appellant/respondent filed a counter, denying all the allegations of the respondent/claimant herein. The trial court, after analysing the entire evidence on record, awarded a compensation of Rs.80,000/- together with interest at the rate of 9% per annum to the respondent/claimant. Aggrieved over the same, the present appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation, Salem contending that the award amount passed by the trial court is on the higher side.

5. A perusal of the record shows that the respondent/claimant had lost 5 teeth and therefore, the doctor has issued a partial permanent disability certificate contending that the disability suffered by the respondent/claimant is between 25% and 30%. The trial court has considered the disability as only 25% for the purpose of calculating partial permanent disability and awarded a sum of Rs.50,000/-. The amount awarded by the trial court is mentioned below:

S.No	Head	Amount granted
1.	Loss of Income	Rs.10,000/-
2.	Pain and suffering	Rs.15,000/-
3.	Transportation charges	Rs.1,000/-
4.	Extra nourishment	Rs.1,000/-
5.	Medical expenses	Rs.3,000/-
6.	Partial permanent disability	Rs.50,000/-
Total		Rs.80,000/-

Thus, a sum of Rs.80,000/- was awarded as compensation together with interest at the rate of 9% per annum. The claimants did not file any appeal/cross-objections to enhance the compensation amount. The trial court has given cogent reasons for arriving at the conclusion and therefore, considering the fact that the accident took place in the year 2000, I do not think it is necessary to enhance the award amount also. I do not also see any reason to interfere with the findings of the learned Judge, Motor Accidents Tribunal (Sub Court), Dharmapuri. Accordingly, the appeal fails. Therefore, the award passed by the learned Judge, Motor Accident Tribunal (Sub Court), Dharmapuri in M.C.O.P.No.327 of 2000 dated 24.06.2004 is upheld.

6.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous petition is dismissed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

mbi

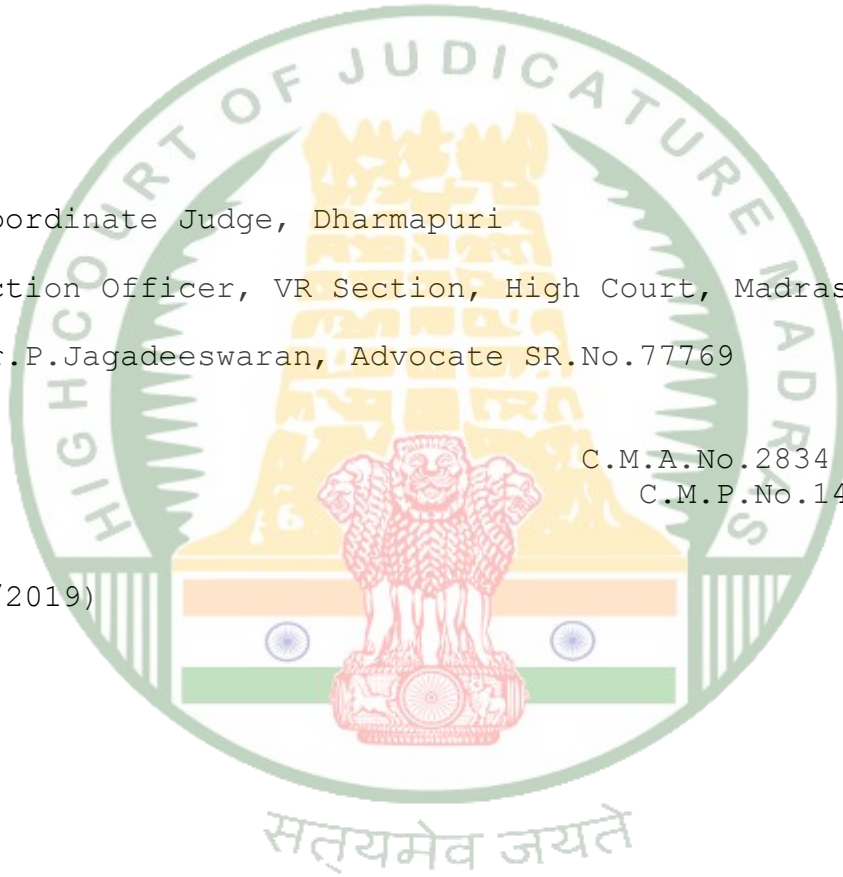
To

1. The Subordinate Judge, Dharmapuri
 2. The Section Officer, VR Section, High Court, Madras.
- +1cc to Mr.P.Jagadeeswaran, Advocate SR.No.77769

SSI (CO)

GMV (04/01/2019)

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