

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.66 of 2007 and M.P.NO.1 of 2007

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Dharmapuri. Appellant /Respondents

..Vs..

K.PowunrajRespondent/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award dated 21.02.2005 in M.C.O.P.No.1119 of 2003 on the file of the Motor Accidents Claims Tribunal (Sub Judge, Krishnagiri).

For Appellants : Mr.P.Jagadeeswaran

For Respondents : No appearance

JUDGMENT

The present appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation, Dharmapuri under Section 173 of the Motor Vehicles Act, 1988.

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

On 27.02.2002 at about 10.00 am, the petitioner was walking along Krishnagiri - Bangalore road at Dharmapuri. At that time, a bus belonging to the appellant hit the respondent/claimant, as a result of which, the respondent/claimant sustained injuries all over his body and he was immediately rushed to the Government Hospital at Dharmapuri.

3.According to the respondent/claimant, the rash and negligent driving of the driver of the appellant was the cause of the accident. Therefore, he claimed a compensation of Rs.3,00,000/- for the injuries sustained by him.

4.The appellant filed a counter before the Motor Accidents Claims Tribunal (Sub Court), Krishnagiri, denying all the allegations of the respondent/claimant. The learned Judge, after analysing the entire evidence on record, awarded a compensation of Rs.1,25,000/- together with interest at the rate of 9% per annum to the respondent/claimant.

5.Aggrieved over the same, the appellant/ respondent namely the Managing Director, Tamil Nadu State Transport Corporation, Villupuram, has filed the present appeal on the ground that the award amount of Rs.1,25,000/- together with interest at the rate of 9% per annum is on the higher side.

6.A perusal of the records shows that the respondent/ claimant has sustained a fracture on his left shoulder. The Doctor who has issued the partial permanent disability certificate (Ex.P3) has opined that there is 30% of partial permanent disability. Considering all these aspects, a sum of Rs.1,25,000/- has been awarded to the respondent/claimant. In fact, the Trial Court has awarded only a sum of Rs.20,000/- towards partial permanent disability and a sum of Rs.10,000/- towards pain and suffering. The following are the details of the award passed by the Trial Court:

S.No	Head	Amount granted
1.	For injuries sustained by the petitioner	Rs.60,000/-
2.	Transportation charges	Rs.1,500/-
3.	Extra nourishment	Rs.5,000/-
4.	Loss of Income	Rs.2,500/-
5.	Damage to clothes	Rs.1,000/-
6.	Medical expenses	Rs.14,000/-
7.	Attenders expenses	Rs.1,000/-
8.	Future medical expenses	Rs.5,000/-
9.	Pain and suffering	Rs.10,000/-
10.	Partial Permanent Disability	Rs.20,000/-
11.	Future prospect of earning capacity	Rs.5,000/-
Total		Rs.1,25,000/-

7.The award amount of Rs.1,25,000/- passed by the Trial Court cannot be said to be on the higher side. Therefore, I do

not see any reason to interfere with the findings of the learned Judge, Motor Accidents Claims Tribunal. Hence, the award passed on 21.02.2005 in M.C.O.P.No.1119 of 2003 on the file of the Motor Accidents Claims Tribunal (Sub Court), Krishnagiri is upheld.

8.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the Miscellaneous Petitioner is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

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

2.The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.P.Jagadeeshwaran, Advocate Sr.77771

सत्यमेव जयते

C.M.A.No.66 of 2007

kji[co]
srg 28/01/2019

WEB COPY