

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.3021 of 2008 and
M.P.No.1 of 2008

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram.

...Appellant/2nd Respondent

..Vs..

1.S.Gopal
2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road,
Salem - 7.

...Respondents/Claimants/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment dated 11.12.2003 in M.C.O.P.No.473 of 2001 on the file of Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court No.2, Salem.

For Appellants : Mr.S.Angamuthu

For Respondent : No appearance for R1 & R2

JUDGMENT

The Managing Director, Tamil Nadu State Transport Corporation, Villupuram, has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988, questioning the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court No.2, Salem.

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

On 06.03.2001 at about 07.30 am, the first respondent/claimant aged about 32 years was riding his two wheeler TVS 50 along Aathur - Kallakurichi main road. When he was nearing Kaaranur bus stop, a speeding bus bearing Registration No. TN 32 N 626 belonging to the appellant hit the

first respondent/claimant, as a result of which, he sustained injuries and took treatment in various Hospitals.

3. According to the first 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 they are liable to pay compensation to him. Therefore, the first respondent/claimant filed a claim petition in M.C.O.P.No.473 of 2001 dated 11.12.2003, on the file of Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court No.2, Salem seeking a compensation of Rs.3,00,000/- for the injuries sustained by him.

4. The appellant filed a counter denying all the allegations of the first respondent/claimant. The trial Judge after analysing the entire evidence on record, awarded a compensation of Rs.1,55,600/- to the first respondent/claimant together with interest at the rate of 9% per annum from the date of filing of the claim petition till the date of deposit.

5. Mr. S. Angamuthu, learned counsel appearing for the appellant would contend that when Dr. Sridharan (P.W.2) has assessed the partial permanent disability only as 40%, the trial court has awarded an exorbitant amount of Rs.1,55,600/-. He would therefore contend that the award amount passed by the trial court is on the higher side and has to be reduced.

6. A perusal of the records shows that the first respondent/claimant was working as an electrician and that he has suffered a fracture in the bones of his right leg and right hand. Therefore, the trial court was right in awarding a sum of Rs.80,000 towards partial permanent disability. Apart from this, the trial court has awarded a sum of Rs.25,000/- towards loss of income and a sum of Rs.50,600/- towards medical expenses. By no stretch of imagination, the award passed by the trial court can be said to be exorbitant.

7. In the facts and circumstances of the present case, I do not see any reason to interfere with the findings of the trial court. Therefore, the decree and judgment passed in M.C.O.P.No.473 of 2001 dated 11.12.2003, on the file of Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court No.2, Salem is upheld.

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

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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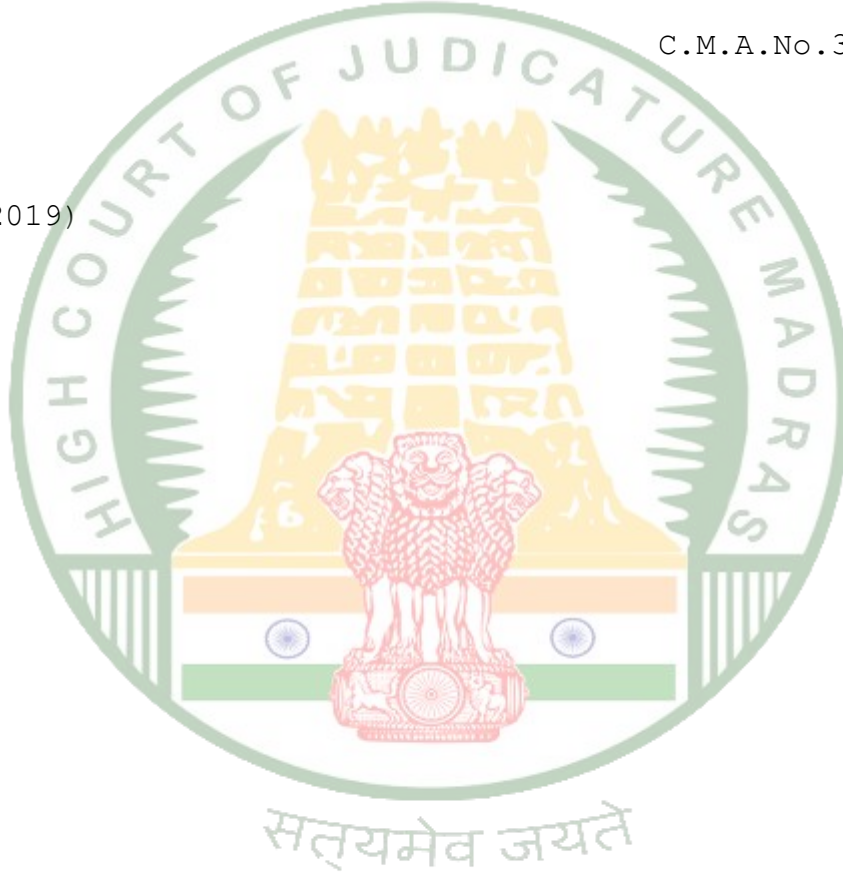
1.Motor Accident Claims Tribunal,
The Additional District Judge,
Fast Track Court No.2,
Salem.

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C.M.A.No.3021 of 2008

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