

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.10.2018
CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3857 of 2008 and
M.P.No.1 of 2008

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Villupuram Division-2
Rangapuram, Vellore-9

...Appellant/Respondent

Vs.

K. Pown Kumar

...Respondent/Petitioner

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988 to set aside the award made in M.C.O.P.No.409 of 2006 dated 02.01.2008 on the file of the Motor Vehicles Accident Claims Tribunal, Addl. Sub Court, Thiruvannamalai.

For Appellant : Mr. K.J.Sivakumar

For Respondent : Not ready in notice - Tapal returned

J U D G M E N T

The instant appeal has been filed by the Transport Corporation, Vellore, challenging the award dated 02.01.2008 passed by the Motor Accident Claims Tribunal, Additional Sub Court, Thiruvannamalai, in M.C.O.P.No.409 of 2006.

2. The brief facts leading to the filing of the instant appeal are as follows:

The respondent sustained injuries on 16.07.2005, as a result of an accident caused by a Bus bearing Reg.No. TN 23 N 0682, owned by the Appellant-Transport Corporation Limited. The respondent preferred a claim petition before the Motor Accident Claims Tribunal seeking a compensation of Rs.3 Lakhs for the injuries sustained by him, as a result of the accident. The Motor Accident Claims Tribunal by its award dated 02.01.2008 passed in M.C.O.P.No.409 of 2006 directed the appellant to pay the respondent a sum of Rs.92,500/- together with interest at the rate of 7.5% per annum from the date of claim till the date of realisation.

3. Aggrieved by the award dated 02.01.2008 passed in M.C.O.P.No.409 of 2006, the instant appeal has been filed by the Appellant / Transport Corporation.

4. Heard Mr.K.J.Sivakumar, learned counsel for the appellant. Till date, notice has not been served on the respondent. Since the appeal relates to the year 2008 and this Court is going to confirm the award, there is no necessity to serve the notice on the respondent.

5. According to the learned counsel for the appellant, the Tribunal has erroneously fixed the negligence on the Appellant-Driver and also awarded an excessive compensation of Rs.92,500/- to the respondent.

6. This Court has examined the impugned award. The respondent has sustained fracture on right knee, right hand below knee, fracture on palm, injuries on fingers and right leg. As seen from the discharge summary issued by the hospital, Exhibit A.4, the respondent was hospitalised between 19.07.2005 to 15.10.2005, as a result of the injuries sustained by him due to the accident. The FIR, Exhibit A.1, was registered only against the Driver of the bus, owned by the Appellant- Transport Corporation. No contra evidence has been produced by the Appellant -Transport Corporation before the Tribunal to dispute the contents of the FIR. The injuries sustained by the respondent has also not been disputed by the appellant before the Tribunal. The Tribunal under the impugned award has awarded a sum of Rs.67,500/- towards Loss of future prospects by applying multiplier method, Rs.10,000/- towards Attender charges, Rs.5,000/- towards Extra Nourishment Charges and Rs.10,000/- towards pain and sufferings, in all, a total sum of Rs.92,500/- was awarded as compensation to the respondent for the injuries sustained by him, as a result of the accident caused by the bus owned by the Appellant-Transport Corporation.

7. Considering the nature of injuries sustained by the respondent and the period of his hospitalization, this Court is of the considered view that Tribunal has rightly assessed the compensation payable to the respondent under the impugned award.

8. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 7.5% per annum awarded by the Tribunal. The Appellant / Tamilnadu State Transport Corporation Ltd., Vellore is directed to deposit the amount awarded by the Tribunal along with accrued interest to the credit of M.C.O.P. No.409 of 2006, if not already deposited, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Respondent is entitled to withdraw the amount along

with accrued interest lying to the credit of M.C.O.P.No.409 of 2006, by filing an appropriate Application. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

prm/ssd

To

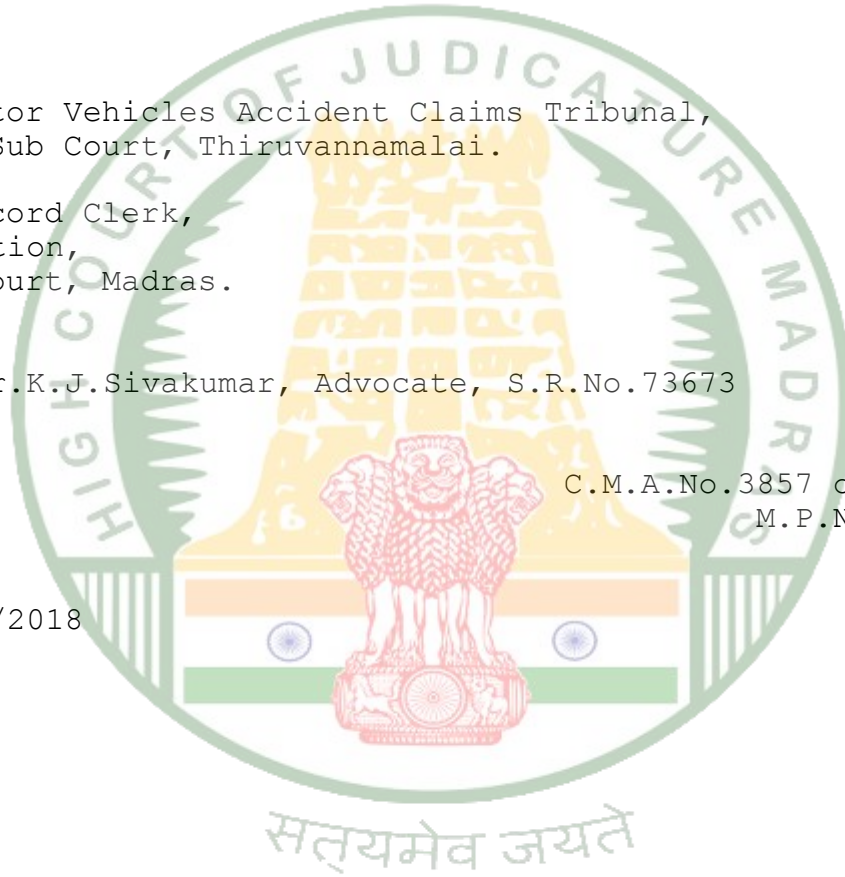
1. The Motor Vehicles Accident Claims Tribunal,
Addl. Sub Court, Thiruvannamalai.
2. The Record Clerk,
VR Section,
High Court, Madras.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.73673

C.M.A.No.3857 of 2008 and
M.P.No.1 of 2008

RSV(CO)

rrs 04/12/2018



WEB COPY