

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3609 of 2011

and

M.P.No.1 of 2011

Tamil Nadu State Transport Corporation,
Represented by,
The Managing Director,
Bharathipuram,
Dharmapuri - 5.

... Appellant/Respondent

Vs

V.Vadivel

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award passed by the Motor Accidents Claims Tribunal and Fast Track Court, (Additional District Court), Dharmapuri in M.C.O.P.No.417 of 2005 dated 09.02.2010.

For Appellant : Mr.V.Ramesh

For Respondent : Mr.M.Selvam

JUDGMENT

The instant appeal has been filed by the Transport Corporation challenging the Award dated 09.02.2010 passed by the Motor Accidents Claims Tribunal and Fast Track Court, (Additional District Court), Dharmapuri in M.C.O.P.No.417 of 2005 .

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

(i) The respondent sustained injuries on 11.08.2004 as a result of an accident caused by a bus bearing Registration No.TN-29-N-1006 owned by the Appellant Transport Corporation.

(ii) The respondent preferred a claim before the Motor Accidents Claims Tribunal in M.C.O.P.No.417 of 2005 seeking a

compensation of Rs.5,00,000/-. The Motor Accidents Claims Tribunal by its Award dated 09.02.2010 in M.C.O.P.No.417 of 2005 directed the Appellant to pay the respondent a sum of Rs.81,946/- together with interest at the rate of 7.5%, Per Annum from the date of claim till the date of realisation.

(iii) Aggrieved by the quantum of compensation awarded by the Tribunal, the instant appeal has been filed by the Transport Corporation.

3.Heard, Mr.V.Ramesh, learned Counsel for the Appellant and Mr.M.Selvam, learned Counsel for the respondent.

4.Even though the Appellant has raised the ground that the Tribunal has wrongly fixed the negligence on the part of the driver of the bus owned by the Appellant Transport Corporation, the learned Counsel for the Appellant has restricted his submissions only to the quantum of compensation awarded by the Tribunal under the impugned Award.

5.According to him, there is a calculation mistake while totalling the compensation awarded under various heads by the Tribunal. He pointed out that the Tribunal has awarded under the impugned Award a sum of Rs.30,000/- towards disability, Rs.30,000/- towards injury, Rs.1,000/- towards pain and suffering, Rs.5,000/- towards mental agony, Rs.1,000/- towards transportation cost, Rs.1,000/- towards extra nourishment charges, Rs.1,000/- towards loss of amenities, Rs.3946/- towards medical expenses, in all put together it works out to only Rs.72,946/-, but the Tribunal has erroneously directed the Appellant to pay Rs.81,946/- to the respondent under the impugned Award, instead of Rs.72,946/-. This Court is also in agreement with the submissions made by the learned Counsel for the Appellant that there is a totalling mistake.

6.The Award passed by the Motor Accident Claims Tribunal in M.C.O.P.No.417 of 2005 is modified in the following manner:

Sl. No.	Amount awarded by the tribunal	Amount Awarded by this Court
Disability	Rs. 30,000/-	Rs. 30,000/-
Injury	Rs. 30,000/-	Rs. 30,000/-
Pain & suffering	Rs. 1,000/-	Rs. 1,000/-
Mental agony	Rs. 5,000/-	Rs. 5,000/-

Transportation cost	Rs. 1,000/-	Rs. 1,000/-
Loss of amenities	Rs. 1,000/-	Rs. 1,000/-
Medical expenses	Rs. 3,946/-	Rs. 3,946/-
Extra nourishment Charges	Rs. 1,000/-	Rs. 1,000/-
Total	Rs. 81,946/- (wrongly calculated)	Rs. 72,946/-

7. Learned Counsel for the respondent also concedes that there is a calculation mistake committed by the Tribunal under the impugned Award and the correct figure is only Rs.72,946/- and not Rs.81,946/- as awarded by the Tribunal. Therefore, this Court is in agreement with the submissions made by the learned Counsel for the Appellant for modification of the Award.

8. Accordingly, the compensation awarded by the Tribunal is modified to Rs.72,946/- instead of Rs.81,946/- as there was calculation mistake in the total arrived at by the Tribunal.

9. In the result,

i) The Civil Miscellaneous Appeal is disposed of with the above modification. No costs. Consequently, connected M.P.No.1 of 2011 is closed.

ii) The compensation awarded by the Tribunal is modified to Rs.72,946/- instead of Rs.81,946/- along with interest at the rate of 7.5% from the date of claim, till the date of realisation.

iii) The Appellant Transport Corporation is directed to deposit the compensation amount awarded by this Court along with interest at the rate of 7.5% per annum from the date of claim, till the date of realisation, less the amount, if any, already deposited, to the credit of M.C.O.P.No.417 of 2005 before the Tribunal within a period of four weeks from the date of receipt of a copy of this order.

iv) On such deposit being made, the respondent is permitted to withdraw the amount on making an appropriate application.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

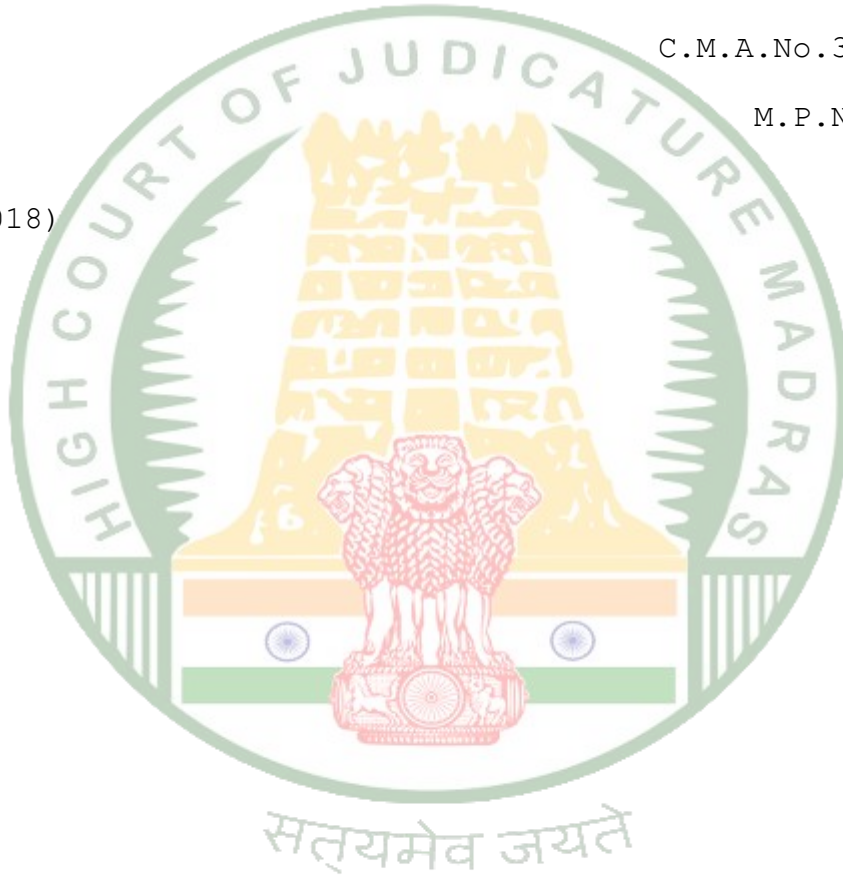
1.Motor Accidents Claims Tribunal and Fast Track Court,
(Additional District Judge),
Dharmapuri.

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

+lcc to Mr.M.Selvam, Advocate, S.R.No.73145

C.M.A.No.3609 of 2011
and
M.P.No.1 of 2011

PA (CO)
GSP (/12/2018)



WEB COPY