

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.3120 of 2012

and

M.P.No.1 of 2012

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

... Appellant/Respondent

..Vs..

Purushothaman

...Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Decree and Judgment dated 23.08.2011 in M.C.O.P.No.102 of 2010 on the file of Motor Accident Claims Tribunal, Additional Sub Judge, Thiruvannamalai.

For Appellant : Mr.S.Sairaman

For Respondent : Ms.S.Akila for
M/s.Saravabhauman Associates

JUDGMENT

The appellant is the Managing Director, Tamil Nadu State Transport Corporation Limited, Villupuram. They filed the present appeal questioning the quantum of the compensation awarded by the Tribunal in M.C.O.P.No.102 of 2010 on the file of Additional Sub Judge, Thiruvannamalai. The respondent/ claimant filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.10,00,000/- for the injuries sustained by him in the road accident that took place on 15.09.2009.

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

On 15.09.2009, the respondent/claimant was travelling as a passenger in a bus bearing Registration No. TN-32-N-2763 belonging to the present appellant. According to him, the driver of the bus drove the bus rashly and negligently, as a result of which, the respondent/ claimant was thrown out of the bus and sustained injuries.

3.The present appellant contested the claim petition by filing a counter affidavit. The learned Additional Sub Judge, Thiruvannamalai after analysing the evidence on record, awarded a compensation of Rs.1,60,900/- together with interest at the rate of 7.5% per annum to the respondent/claimant. Aggrieved over the orders dated 23.08.2011, passed by the Additional Sub Judge, Thiruvannamalai the Managing Director, Tamil Nadu State Transport Corporation Limited filed the present appeal.

4.Mr.S.Sairaman, learned counsel appearing for the appellant would contend that when the injuries sustained by the respondent/claimant are not serious in nature, the tribunal has awarded an exorbitant amount of Rs.1,60,900/- and therefore, it has got to be reduced.

5.Per Contra, the learned counsel appearing for the respondent would contend that the learned Additional Sub Judge, Thiruvannamalai after considering the various evidence on record, including the oral evidence adduced by the respondent/claimant has awarded a sum of Rs.1,60,900/- which cannot be stated to be on the higher side.

6.A perusal of the discharge summary (Ex.P3) shows that the respondent/claimant had a fracture on his L1 back bone. Dr.Raveendran (P.W.2) has also assessed the Partial Permanent Disability as 35% and the Tribunal has awarded a sum of Rs.70,000/- towards Partial Permanent Disability. The respondent/claimant was aged 45 years on the date of accident and according to him, he was a weaver earning a sum of Rs.10,000/- per month. Since there is no functional disability, the tribunal has awarded a sum of Rs.2000/- per percentage.

7.It is pertinent to point out that the respondent/claimant did not file any cross objections or appeal against the quantum of compensation awarded by the Tribunal. The award passed by the Tribunal under various heads are extracted hereunder:

S.No.	Head	Amount granted (Rs.)
1.	Partial Permanent Disabilities	70,000/-
2.	Loss of Income	3,000/-

S.No.	Head	Amount granted (Rs.)
3.	Pain and sufferings	10,000/-
4.	Extra Nourishment	2,000/-
5.	Transportation Charges and Medical Expenses	73,900/-
6.	Attender charges	2,000/-
Total Compensation		Rs.1,60,900/-

By any such of imagination, the award passed by the Tribunal can be said to be on the higher side and therefore, I do not find any merits in the arguments advanced by the learned counsel appearing for the appellant.

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

rna

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Additional Sub Judge,
(Motor Accident Claims Tribunal)
Thiruvannamalai.

+lcc to Mr.S.Sairaman, Advocate, S.R.No.86777

+lcc to M/s.Sarvabhauman Associates, Advocate, S.R.No.86037

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C.M.A.No.3120 of 2012
and M.P.No.1 of 2012

KJ (CO)
KAK (20/02/2019)



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