

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.3308 of 2009

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(VPM Division 2)
having its office at Rangapuram,
Vellore ...Appellant/Respondent

Vs

P.Kanagasabai ...Respondent/Petitioner/Claimant

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 18.3.2009 in M.C.O.P.No.72 of 2007, on the file of the Motor Accident Claims Tribunal, Sub Judge, Cheyyar.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mr.K.G.Senthil Kumar

JUDGMENT

The instant appeal has been filed by the Transport Corporation challenging the Award dated 18.3.2009 passed by the Motor Accident Claims Tribunal, Sub Judge, Cheyyar in M.C.O.P.No.72 of 2007. सत्यमेव जयते

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

(i) The respondent sustained injuries as a result of an accident caused by a bus bearing registration No. TN-23-N-1186 owned by the appellant Transport Corporation. The respondent preferred a compensation claim before the Motor Accident Claims Tribunal against the appellant for a sum of Rs.10 lakhs.

(ii) The Tribunal, by its Award dated 18.3.2009 passed an Award in MCOP.No.72 of2007 directed the appellant to pay a sum of Rs.1,75,711/- together with interest at 7.5% per annum from the date of claim till the date of realisation and also awarded costs.

(iii) Aggrieved by the Award dated 18.3.2009, passed by the Tribunal in MCOP.No.72 of 2007, the instant appeal has been filed by the appellant insurance company.

3. Heard Mr. K.J.Sivakumar, learned counsel for the appellant and Mr.K.G.Senthilkumar, learned counsel for the respondent.

4. Learned counsel for the appellant submitted that the quantum of compensation awarded under the impugned award is excessive. He submitted that the tribunal has erroneously accepted all the medical bills filed by the respondent which are marked as exhibits and has also erroneously awarded a sum of Rs.20,000/- towards pain and suffering and Rs.40,000/- towards 40% of disability allegedly sustained by the respondent as a result of the accident.

5. Per contra, learned counsel for the respondent would submit that only based on the documents filed by the respondent which were marked as exhibits including the disability certificate, wound certificate and the medical bills, the tribunal has awarded the compensation.

6. This Court, after having considered the materials available on record and after examining the impugned Award and after hearing the submissions of the respective counsels observes the following;

a. Only based on the medical bills submitted by the respondent, which is marked as exhibits, the tribunal has granted reimbursement of the medical bills to the respondent. No contra evidence has been produced by the appellant before the Tribunal to disprove the claim of the respondent.

b. The award of Rs.20,000/- towards pain and suffering and Rs.40,000/- towards 40% of disability is a reasonable and just compensation in the considered view of this Court. The respondent has filed the disability certificate before the tribunal which is marked as Exhibits which confirms that the respondent suffered 40% disability as a result of the injuries suffered by him on account of the accident. No contra evidence has also been produced before the tribunal by the appellant to disprove the contents of the disability certificate.

c. It is an undisputed fact that the respondent underwent treatment as an inpatient for 10 days in hospital. He suffered head injuries as a result of the accident.

7. In view of the above observations, this Court is of the considered view that there is no merit in the instant appeal. Accordingly the appeal is dismissed. No costs. Consequently connected M.P.No.1 of 2009 is closed.

8. The appellant transport Corporation is directed to deposit the amount awarded by the tribunal along with interest as awarded by the tribunal to the credit of MCOP, if not already deposited, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the respondent is permitted to withdraw the same on filing an appropriate application.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Motor Accident Claims Tribunal,
Sub Judge, Cheyyar.
2. The Record Clerk,
VR Section,
Madras High Court.
3. The Managing Director,
Tamil Nadu State Transport Corporation,
(VPM Division 2), Rangapuram,
Vellore.

+lcc to Mr.K.J.Sivakumar, Advocate, S.R.No.59625
+lcc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.59631

C.M.A.NO.3308 of 2009

NRI (co)
CS/18/12/2018

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