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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NO.1081 OF 2006
& CMP NO.4481 OF 2006

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Division I Ltd.,
Coimbatore.

... Appellant/R-2

Vs.

1. K.Balasubramaniam .. 1st Respondent/Petitioner

2. Velumani, Driver
(R-2 Driver not necessary party,
in this proceeding, hence he is given up)

... 2nd Respondents/
1st Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 15.04.2002 passed in MCOP No.431 of 1992 on the file of the Motor Accident Claims Tribunal, II Additional Sub Court, Coimbatore.

For Appellant : Mr. K.J.Sivakumar

J U D G M E N T

As against the claim made for a sum of Rs.1,10,000/- by the injured/claimant/first respondent herein, the Tribunal has passed an award for a sum of Rs.72,000/- with interests and costs. Challenging the same, the Transport Corporation has filed this Appeal.

2. At the outset, this Court would like to point out that no steps have been taken by the appellant / Transport Corporation for about 15 years, either to serve notice on the claimant or to pay batta, despite notice being ordered by this Court as early as on 06.04.2006. Hence, considering the paucity of time, this Court takes up the Appeal itself on merits.



3. Though many grounds have been raised by the learned counsel for the appellant / Transport Corporation on the point of negligence as well as quantum, this Court is not going to deal with the same for the following simple reason.

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4. In the claim petition, the claimant stated that he suffered the multiple abrasions over forehead, nose, right side of knee and fracture on right leg. But the Tribunal, based on the evidence of Doctor and Exs.P-2 to P-8, has taken the permanent disability only at 10%. The Tribunal considered the heads of loss of future earnings, pain and sufferings and loss of income during the treatment period and estimated the compensation only at Rs.72,000/- as against Rs.1,10,000/-. The Tribunal has not considered the other pecuniary damages or special damages.

5. This Court is of the opinion that the compensation awarded by the Tribunal, by no stretch of imagination, cannot be said to be high, compared with the injuries sustained by the claimant. The object of compensating a person is not just to fulfill the financial crisis faced by him / her, but most importantly to restore the sense of dignity that a person has lost due to the unfortunate accident. The Tribunal tried to justify such object. Hence, the amount of compensation, as awarded by the Claims Tribunal, will be fair enough to compensate the injured/claimant/first respondent herein. In such view of the matter, the Civil Miscellaneous Appeal filed by the Transport Corporation has no merits. The award of compensation passed by the Claims Tribunal is reasonable, just and fair and the same does not require any interference by this Court. Thus, the Civil Miscellaneous Appeal is dismissed. No costs.

6. The appellant/Transport Corporation shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the amount to the Savings Bank Account of the claimant/first respondent herein, through RTGS, forthwith.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

srk



To

1. Motor Accident Claims Tribunal,
II Additional Sub Court, Coimbatore.

2. The Section Officer, V.R.Section,
Madras High Court, Chennai.

C.M.A.No.1081 of 2006
& CMP NO.4481 OF 2006

RSI (CO)
NR/12/12/2019