



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

C.M.A.No.147 of 2006
and C.M.P.No.451 of 2006

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Div.I, Coimbatore ... Appellant /Respondent I

..vs..

1. P.Velu ...Respondent I/Petitioner
2. S.Ravi, Driver ... Respondent II/Respondent I
(R-2 given up)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 22.06.2005 made in MCOP No.2 of 2004 on the file of the Motor Accident Claims Tribunal, District Judge, Udhagamandalam.

For Appellant : Mr. S.V.Vasanthakumar

J U D G M E N T

As against the claim made for a sum of Rs.5,50,000/-, there is an award for a sum of Rs.99,500/-. Challenging the quantum of compensation awarded as disproportionate, the Transport Corporation has filed this Appeal.

Brief facts:

2. The claimant / first respondent herein is a Coolie Labourer. On 02.12.2002 at about 7.45 pm, after his day's work, the claimant was returning from Kotagiri to his house, in the Transport Corporation Bus bearing No.TN43-N-0184. Due to the application of sudden break by the driver of the bus, the claimant lost control, who was standing near the back door and fell down from the bus. On account of this, the claimant sustained Head Injury and his right eye was affected and his right knee was totally damaged. Contenting that, due to rash and negligent driving of the driver of the Transport Corporation Bus the accident took place, the claimant / first respondent herein claimed a sum of Rs.5,50,000/- as compensation as against the Transport Corporation. The Tribunal, on a consideration of the materials placed before it, has quantified the compensation with the following breakup details:-



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Loss of earnings during treatment period	-	Rs. 7,500.00
Transport Expenses	-	Rs. 2,700.00
Extra Nourishment	-	Rs. 10,000.00
Medical expenses	-	Rs. 54,300.00
Pain and sufferings	-	Rs. 25,000.00

		Rs. 99,500.00

3. It is the case of the claimant / first respondent that the injured / claimant, who was standing near the back door, fell down from the bus, when the driver of the bus applied sudden break.

3.1. But the case of the appellant / Transport Corporation was that the claimant / injured / first respondent herein was standing at the footboard of the bus, and only because of his negligence, he fell down and invited the accident.

4. The Tribunal, after consideration of the materials, came to the conclusion that it is only the bus driver, who was negligent in causing the accident and thus, the appellant is liable to compensate the claimant.

5. This finding does not require any interference as it is based on oral and documentary evidence adduced.

6. So far as the quantum of compensation is concerned, fixing the monthly income at Rs.1,250/-, the loss of income during treatment period for six months was calculated at Rs.7,500/-. Awarding a sum of Rs.2,700/- towards transport expenses, Rs.10,000/- towards extra nourishment, Rs.54,300/- towards Medical expenses (as per bills) and Rs.25,000/- towards pain and sufferings, the total compensation has been quantified at Rs.99,500/-.

7. It is relevant to point out that, out of Rs.5,50,000/- claimed by the claimant, the Tribunal, based on the evidence available on record, has awarded a sum of Rs.99,500/- only. The monthly income, as claimed by the claimant at Rs.4,000/-, was also not taken, but it was taken only at a meager sum at Rs.1,250/-. Also, the attender charges and damage to clothes were also not taken into consideration.

8. In this case, the accident had taken place in the year 2002 and the appeal is heard, on merits, in the year 2019. So far there is no appeal by the claimant also. Under the given set of circumstances, it may not be appropriate to either



enhance or reduce the quantum of compensation awarded by the Tribunal.

9. Therefore, the Appeal has no merits and thus, the Appeal is dismissed. No costs. Consequently, the connected CMP is closed.

10. The Transport Corporation shall deposit the entire compensation amount, as awarded by the Claims Tribunal, along with interests and costs, 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 Claims Tribunal shall transfer the amount to the RTGS Account of the claimant.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal,
District Judge,
Udhagamandalam.
2. The Section Officer,
V.R.Section,
Madras High Court, Chennai 104.

+1CC TO Mr.S.V.Vasanthakumar, Advocate Sr.47427

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