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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1788 of 2004
and C.M.P.No.9567 of 2004

The Managing Director
Tamil Nadu State Transport Corporation Limited
(Salem Division II) Ltd.,
Bharathipuram,
Dharmapuri-5.

... Appellant/Respondent

Vs

Srirangan

... Respondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 19.02.2003 made in MCOP No.383 of 2002 on the file of the Motor Accidents Claims Tribunal (Additional Special Judge), Krishnagiri at Dharmapuri District.

For Appellant : Mr.S.V.Vasanthakumar

JUDGMENT

This appeal is preferred by the appellant Transport Corporation against the award of a sum of Rs.2,44,012/- towards compensation to the respondent, due to the injuries suffered by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 10.08.2001, the respondent / claimant was proceeding in his TVS-XL Moped bearing Reg.No.TN-29-U-4532 from Ikontham to Krishnagiri. At about 02.15 p.m., when the two-wheeler was nearing Ikontham Lake Bund, the bus bearing Reg.No.TN-29-N-0721 belonging to the appellant Transport Corporation, came from the opposite direction in a rash and negligent manner and dashed against the two-wheeler which the respondent / claimant was riding. Due to the said impact, the respondent / claimant was thrown out of the vehicle and sustained grievous injuries. The claimant filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.2,44,012/- with interest at the rate of 9% per annum from the date of petition.



3. Challenging the same, the appellant Transport Corporation has filed the present Civil Miscellaneous Appeal.

4. The learned counsel for the appellant has submitted that the Tribunal has erred in holding that the appellant's bus driver was rash and negligent and was responsible for the accident. He also submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5. Heard the learned counsel for the appellant and perused the materials available on record carefully and meticulously.

6. It is seen that the appellant's petition was due in respect of the respondent. Even though this appeal was admitted way back in the year 2004, the appellant Transport Corporation has not taken proper steps to serve papers to the respondent, even at this length of time.

7. The respondent/claimant deposed before the Tribunal that the driver of the bus drove it in a rash and negligent manner and dashed against the two-wheeler which he was riding and due to the same, he was thrown out and sustained grievous injuries. The conductor of the bus gave the complaint to the police stating that there was head-on collision between the two-wheeler and the bus and based on such complaint, the First Information Report was registered. Taking note of the materials and evidence available on record, the Tribunal came to the conclusion that the accident had occurred only due to the rash and negligent driving of the driver of the bus belonging to the appellant Transport Corporation, which finding this Court is not inclined to interfere.

8. In respect of the quantum of compensation, the Tribunal has awarded a sum of Rs.37,012/- towards medical expenses based upon Ex.P8-Medical Bills, which is an actual expenditure. The Tribunal has also awarded a sum of Rs.3,000/- towards extra nourishment, Rs.5,000/- towards Attender Charges and Rs.25,000/- towards pain and suffering, which are very reasonable. The Tribunal has also awarded a sum of Rs.24,000/- towards loss of earning during the treatment period, assuming that the injured would have earned at least not less than Rs.4,000/- per month as a Stone Cutter, for the treatment period of 6 months. Further, the Tribunal has awarded a sum of Rs.1,50,000/- towards loss of future earnings on account of permanent disability, taking note of Ex.P9-Disability Certificate. The Tribunal has considered the materials and evidence properly and has awarded compensation towards the above heads and hence the same need not be interfered with by this Court.



9. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Transport Corporation is directed to deposit the award amount with interest, as ordered by the Tribunal, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

KM

To

The Motor Accidents Claims Tribunal
(Additional Special Judge),
Krishnagiri at Dharmapuri District.

Copy To: The Section Officer,
VR Section, Madras High Court.

+1cc to Mr.S.V.Vasanthakumar, Advocate SR.No.52078

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PM (CO)
GMY (11/12/2019)