

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.06.2019
CORAM:
THE HON'BLE Mr. JUSTICE R.MAHADEVAN
Civil Miscellaneous Appeal No.2977 of 2004
and C.M.P.No.16713 of 2004

The Managing Director,
Tamil Nadu State Transport Corporation
Coimbatore Division - II Limited,
Sennimalai Road, Erode.

: Appellant/Respondent

..VS..

Paramasivam

: Respondent/Claimant

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 07.05.2003 made in M.C.O.P.No.860 of 1996 on the file of the Motor Accident Claims Tribunal, Fast Track Court V, Coimbatore @ Tiruppur.

For Appellant : Mr. S.V.Vasanthakumar

J U D G M E N T

In respect of the claim petition filed by one Paramasivam, in M.C.O.P.No.860 of 1996, award has been passed for a sum of Rs.2,93,000/- under the following heads:-

Loss of future earnings on account of	
Disability	- Rs.2,88,000/-
Grievous injuries	- Rs. 5,000/-

	Rs.2,93,000/-

1.1. Challenging the said quantum of compensation, this Appeal has been filed by the Transport Corporation.

2. This award has been passed based on the evidence of the claimant, Doctor and one Jambu, as P.Ws.1 to 3 and Meganathan, as R.W.1.

3. Suffice to point out that nothing has been pointed out showing which part of the award is excessive. Though the age, avocation, nature of injuries and manner of accident were denied by the Transport Corporation (appellant herein) by way of counter, during 1999, subsequently through documentary evidence,

the same came to be nullified by the claimant, by producing documentary evidence on his side.

4. The claimant has sustained grievous injuries all over the body, more particularly at right thigh, knee, neck, head, rib fracture and liver. Seen from all standpoints, the award passed by the Claims Tribunal cannot be said to be against probabilities.

5. In such view of the matter, affirming the award passed by the Claims Tribunal, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected CMP is also dismissed.

6. The amount of compensation as awarded by the Claims Tribunal, along with interests and costs, shall be deposited by the appellant herein, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made by the appellant, the Tribunal shall transfer the said amount to the S/B A/c of the claimant, forthwith.

Sd/-
Assistant Registrar(Spl.Rtd Judges)

// True Copy//

Sub Assistant Registrar

srk

To

Motor Accident Claims Tribunal, Fast Track Court V,
Coimbatore @ Tiruppur.

+1cc to Mr.S.V.Vasantha Kumar, Advocate, SR.No.46116.

C.M.A.No.2977 of 2004
& C.M.P.No.16713 of 2004

VD(CO)
CSR:14.02.2020

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