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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.900 of 2004

and

C.M.P.No.5390 of 2004

The Managing Director,
Tamil Nadu State Transport Corporation Limited
(Villupuram Division II) Limited
Vellore.

... Appellant/Respondent

Vs

Minor Arulanandhan
rep.by natural guardian and father Baalaiyan

... Respondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 03.04.2003 made in MCOP No.471 of 2001 on the file of the Motor Accidents Claims Tribunal (Sub Judge) Cheyyar at Tiruvannamalai District.

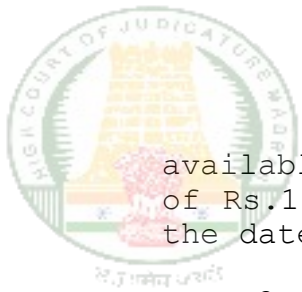
For Appellant : Mr.G.Muniratnam

JUDGMENT

This appeal is preferred by the Transport Corporation against the award of a sum of Rs.1,25,000/- towards compensation to the respondent, who suffered injuries in a road accident.

2.The case in brief, is as follows:

On 03.09.2001, while the respondent was trying to enter into a Government Town Bus Route No.16 belonging to the appellant Transport Corporation, in the front foot board which started from Cheyyar to Arni, the driver started the bus suddenly in a rash and negligent manner and because of the same, the respondent fell from the foot board and the back tyre of the bus ran over his legs. Due to the said impact, the respondent's right leg below the knee got fractured. A claim petition was filed before the Tribunal. On consideration of the evidence



available on record, the Tribunal awarded a total compensation of Rs.1,25,000/- with interest at the rate of 9% per annum from the date of petition, to the claimant.

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 accident had occurred only due to the negligence on the part of the respondent and that the Tribunal has erred in relying upon the evidence of P.Ws.1, 3 and 4 in respect of negligence aspect.

5.Heard the learned counsel for the appellant.

6.It is seen that II batta with petition is due with regard to the respondent, even at this point of time. On considering the oral and documentary evidences adduced, the Tribunal has correctly considered the case of the claimant upon the evidence given by the Orthopaedician P.W.2, who deposed that the claimant's right leg bones were broken and there is mal-union of bones; that movement has been restricted; that the claimant cannot sit normally or walk fast and that he sustained 30% disability. Considering the injuries suffered by the claimant and the permanent disability, the Tribunal has fixed a sum of Rs.67,500/- towards loss of income, Rs.20,000/- towards permanent disability, another Rs.15,000/- towards loss of income, Rs.10,000/- towards pain and suffering and mental agony, Rs.10,000/- towards past and future medical expenses and Rs.2,500/- towards transport and nourishment, and arrived at a sum of Rs.1,25,000/- with interest at 9% p.a. from the date of petition, which in my considered opinion, does not call for any interference. Hence the appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Transport Corporation is directed to deposit the award amount as ordered by the Tribunal with interest, 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, the respondent /claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KM



To

1. The Motor Accidents Claims Tribunal (Sub-Judge),
Cheyyar, Tiruvannamalai District.

2. The Section Officer,
VR Section, Madras High Court.

+1cc to Mr.G.Muniratnam, Advocate, S.R.No.44541

C.M.A.No.900 of 2004
and C.M.P.No.5390 of 2004

CP (CO)
CS/22/10/2019