



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

C.M.A.No.2133 of 2005

and

C.M.P.No.11417 of 2005

The Managing Director

Tamil Nadu State Transport Corporation Ltd.,

Dharmapuri.

... Appellant/Respondent

Vs.

Manjula

...Respondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 11.07.2003 made in M.C.O.P.No.356 of 2002 on the file of the Motor Accident Claims Tribunal (Sub-Court), Krishnagiri.

For Appellant : Mr.P.Jagadeeswaran

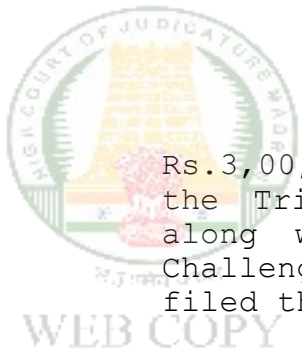
For Respondent : No appearance

J U D G M E N T

This appeal is preferred by the Transport Corporation against the award amount of Rs.1,40,100/- along with interest @ 9% p.a. from the date of petition, as compensation to the respondent for the injuries sustained by her in an accident that had occurred on 23.12.2001.

2. The case in brief, is as follows:

On 23.12.2001, at about 16.15 hours, when the respondent/claimant was travelling in the Bus bearing Registration No.TN 29 N 1303 belonging to the Appellant-Transport Corporation, from Vellore to Bangalore, it dashed against the lorry bearing Registration No. MA 19-A-5074 coming in the opposite direction at the junction road of Bargur-Tiruppattur, due to the rash and negligent driving of the driver of the bus. As a result of the same, the respondent/claimant sustained grievous injuries, for which, she filed a claim petition before the Tribunal, seeking compensation of



Rs.3,00,000/- . On considering the evidence available on record, the Tribunal awarded a sum of Rs.1,40,100/- as compensation along with interest @ 9% p.a. from the date of petition. Challenging the same, the appellant-Transport Corporation has filed the present Civil Miscellaneous Appeal.

3. Heard the learned counsel for the appellant and also perused the records. There is no representation on behalf of the respondent/claimant, since notice was not served on her. However, due to efflux of time, this Court is inclined to dispose of this appeal on merits.

4. There is no dispute with regard to the liability of the Appellant-Transport Corporation to pay compensation to the respondent/claimant. What is challenged herein is the quantum of compensation awarded by the Tribunal.

5. According to the appellant - Transport Corporation, the award of Rs.1,40,100/- as against the claim of Rs.3,00,000/- is excessive, exorbitant and disproportionate to the injuries sustained by the respondent/claimant.

6. It is seen from the records that the respondent/claimant before the Tribunal, examined P.W.1 & P.W.2 witnesses and marked Ex.P1 to Ex.P5 documents. P.W.2-Doctor in his evidence, deposed that the respondent/claimant's left leg bones were broken and the movement of the same has been restricted, due to which, she cannot sit normally or walk fast and she sustained 40% permanent disability. Exs.P2 and P4 are the wound certificates and Ex.P5 is the disability certificate issued by the doctor. Considering those oral and documentary evidence, the Tribunal fixed a sum of Rs.1,07,100/- towards loss of future earnings, besides awarding a sum of Rs.25,000/- towards grievous injuries; the Tribunal also fixed a sum of Rs.3,000/- towards extra nourishment and Rs.5,000/- towards pain and sufferings; and thus, the Tribunal totally awarded a sum of Rs.1,40,100/- with interest @ 9% p.a. as compensation to the respondent/claimant.

7. This Court is of the view that having regard to the nature of the injuries sustained and the extent of disability suffered by the respondent/claimant, the award so passed by the Tribunal seems to be just, fair and reasonable and the same cannot be said to be excessive or exorbitant at any stretch of imagination. Hence, this Court finds no reason to interfere with the same.

8. Accordingly, the appeal is dismissed by confirming the judgment and decree passed by the Tribunal. The appellant-Transport Corporation is directed to deposit the entire amount as awarded by the Tribunal with interest and costs, after



deducting the amount, if any, already deposited, within a period of six weeks from the date of receipt of a copy of this judgement. On such deposit being made, the Tribunal shall transfer the same to the Savings Bank Account of the respondent/claimant, through RTGS, forthwith. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal
(The Sub-Court)
Krishnagiri District.

Copy to

The Section Officer
VR Section, Madras High Court.

C.M.A.No.2133 of 2005

rk[co]
srg 11/10/2019