

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

C.M.A.No.2936 of 2005
and
C.M.P.No.15278 of 2005

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road,
Salem. Appellant/Respondent

Vs.

V.LakshmiRespondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act 1988
against the judgment and decree dated 10.05.2005 made in
M.C.O.P.No.368 of 2004 on the file of the Motor Accident
Claims Tribunal (Chief Judicial Magistrate), Salem.

For Appellant : Mr.P.Jagadeeswaran

For Respondent : No Appearance

J U D G M E N T

This appeal is preferred by the Appellant-Transport Corporation against the award of Rs.1,00,500/- 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 30.07.2004.

2. The facts leading to the filing of this appeal are that on 30.07.2004, when the respondent was riding as a pillion rider in the motor cycle bearing registration No.MSL 7225, nearing Oilpatty Militarikaran Thottam, at about 4.00 p.m. the driver of the bus belonging to the Appellant-Transport Corporation bearing Registration No.TN 27 N 1303, drove it rashly and negligently from the same direction and hit the motor cycle on the rear side. As a result of the same, the respondent sustained grievous injuries. Seeking compensation of Rs.3,00,000/-, the respondent/claimant filed a

claim petition before the Tribunal. Based on the evidence available on record, the Tribunal awarded a sum of Rs.1,00,500/- with interest @ 9% p.a. from the date of petition as compensation to the respondent/claimant. Challenging the same, the Appellant-Transport Corporation has preferred this appeal.

3. Heard the learned counsel for the appellant and also perused the records. The Appellant-Transport Corporation has not taken any steps to serve notice on the respondent/claimant even at this length of time. 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 the compensation to the respondent/claimant. What is disputed in this appeal is with regard to the quantum of compensation awarded by the Tribunal.

5. It is seen from the records that P.W.3-Doctor in his evidence, deposed that there was an irregular crushed injury in the respondent/claimant's right wrist, due to which, she is not able to sit or walk for a long distance and hence, he assessed permanent disability at 35%. Ex.A11 is the wound certificate and Ex.A20 is the disability certificate of the respondent/claimant. On examining the same, the Tribunal awarded a sum of Rs.35,000/- towards injuries; Rs.17,500/- towards medical expenses; Rs.3,000/- towards transportation expenses; Rs.2,000/- towards extra nourishment; Rs.2,000/- towards attender charges; Rs.6,000/- towards loss of earning during the treatment period; Rs.10,000/- towards future medical expenses; Rs.15,000/- towards pain and sufferings; and Rs.10,000/- towards loss of facility; and thus, totally awarded a sum of Rs.1,00,500/- with interest @ 9% p.a. as compensation to the respondent/claimant.

6. Considering the nature of the injuries sustained and the extent of disability suffered by the respondent/claimant, this Court is of the view that 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 and hence, the same wants no interference.

7. 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(CCC)

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Sub Assistant Registrar

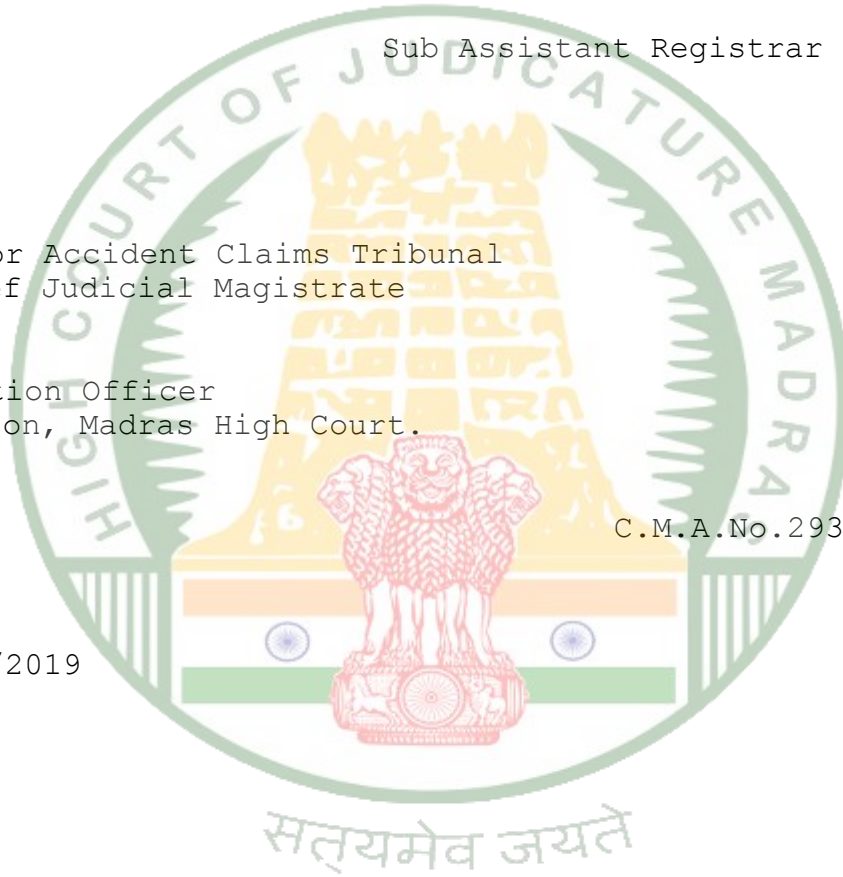
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To

1.The Motor Accident Claims Tribunal
The Chief Judicial Magistrate
Salem.

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

C.M.A.No.2936 of 2005

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