

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2019

CORAM

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

C.M.A. No.319 of 2007 &
M.P. No.1 of 2007

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Div.I, Villupuram. ... Appellant/Respondent

Vs.

A.Kandasamy ... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Article 173 of Motor Vehicles Act, 1988 against the award and decretal order passed by the Motor Accident Claims Tribunal, I Additional Sub Court, Villupuram and made in MACTOP.No.583 of 1999 dated 30.04.2004.

For Appellant : Mr. S.V.Vasanthakumar

For Respondent : died

J U D G M E N T

Challenging the quantum of compensation awarded by the Tribunal, the appellant Transport Corporation has preferred this appeal.

2.The facts of the case are that on 03.09.1997 when the respondent/claimant was proceeding in a scooter as pillion rider, the Appellant transport Corporation bus bearing registration No.TN32-N-0036 came in a rash and negligent manner and dashed against the scooter. Due to the said accident, the respondent sustained grievous injuries and his left leg was broken. Stating so, he claimed a compensation of Rs.20,00,000/-. The Tribunal based on the evidence and materials available on record, has awarded a total compensation of Rs.3,80,000/- with interest at 9%pa from the date of petition. Feeling aggrieved, the appellant transport Corporation has come up with this appeal.

3.Heard Mr.S.V.Vasanthakumar learned counsel for the Appellant, who submitted that the quantum of compensation awarded by the Tribunal is excessive and exorbitant and hence, the same has to be reduced substantially.

4.Though this Court has granted a conditional order of interim stay way back in the year 2007, the appellant has not taken steps to serve notice on the respondent/his legal heirs, even at this length of time. However, considering the fact that this appeal is of the year 2007, this Court is inclined to dispose of this appeal on merits.

5.There is no dispute with regard to the findings of the Tribunal on negligence and the liability fastened on the appellant Transport Corporation.

6.As regards the quantum of compensation, the Tribunal has awarded Rs.25,000/- and Rs.2,20,000/- towards medical expenses, based on Exs.P7 and P8- Book Nos.1 and 2 (medical bills), which, in the opinion of this Court, is the actual expenses incurred for the treatment taken by the respondent/claimant and hence, the same is hereby confirmed.

7.According to the respondent/claimant, his left leg was broken; and the said injury could not be set right at one operation and it requires regular medical attention. The same was substantiated by the evidence of P.W.2/doctor. Placing reliance on those oral evidence coupled with Ex.P2-wound certificate, Exs.P3 to P6-discharge summaries, Ex.P9-disability certificate and Exs.P10 to P16-X rays, the Tribunal has awarded Rs.75,000/- towards permanent disability at 75%, besides awarding Rs.50,000/- towards future operation and Rs.10,000/- towards extra nourishment, which are just and reasonable and hence, the same need not be interfered with by this Court.

8.In the result, upholding the award of the Tribunal, this appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9.The appellant-Transport Corporation is directed to deposit the award amount as ordered by the Claims Tribunal along with interest and costs, less the amount already deposited, if any,

within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the legal heirs of the respondent are permitted to withdraw the same on making proper application before the Tribunal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

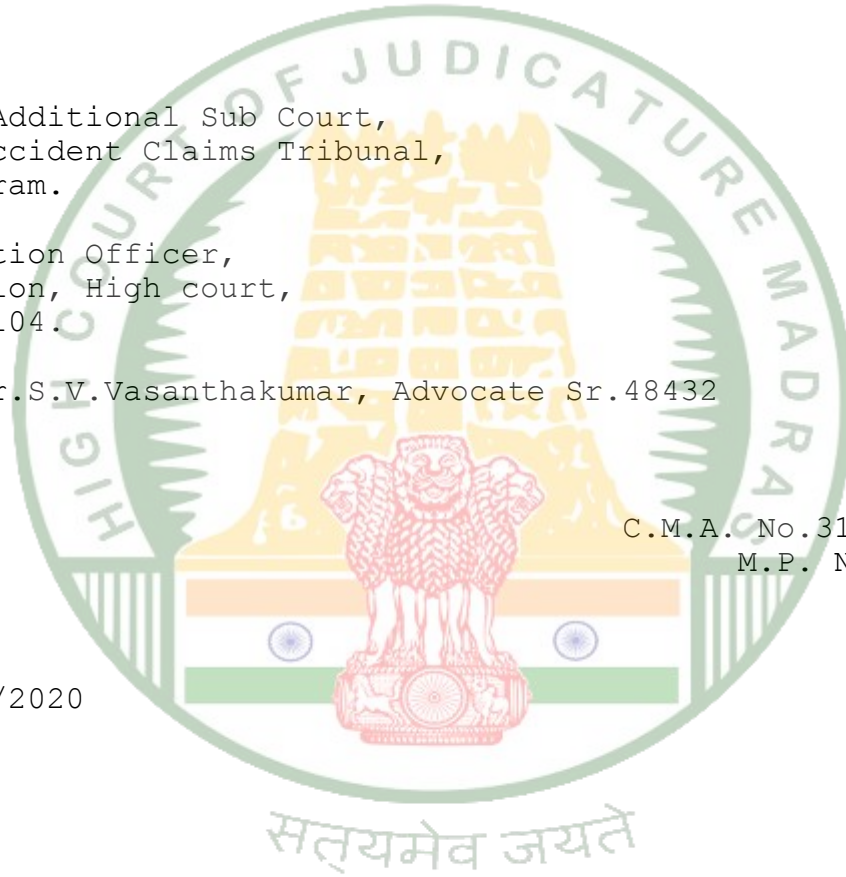
1.The I Additional Sub Court,
Motor Accident Claims Tribunal,
Villupuram.

2.The Section Officer,
VR Section, High court,
Madras-104.

+1cc to Mr.S.V.Vasanthakumar, Advocate Sr.48432

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srg 04/06/2020



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