

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3760 of 2005

& CMP No.18843 of 2005

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division I) Limited,
Villupuram ... Appellant/1st Respondent

(Cause title accepted vide order dated
18.02.2004 made in CMP No.1204/2004)

...vs...

1. Uthandy ...R1/Petitioner
2. Kannan ... R2/R2
3. Branch Manager, The National Insurance
Company Limited, Cuddalore ...R3/R3

Appeal filed under Section 173 of the Motor Vehicles Act,
1988, against the award and decree, dated 23.01.2003 made in
M.C.O.P.No.498 of 2002 on the file of the Motor Accident Claims
Tribunal, Additional District Judge, Chidambaram.

For Appellant : Mr. G.Muniratnam
For Respondents : Mr. D.Baskaran, for R-3.

J U D G M E N T
सत्यमेव जयते

This Civil Miscellaneous Appeal has been filed by the
Transport Corporation, challenging the quantum of compensation
awarded by the Claims Tribunal.

2. In respect of an accident that took place on 08.06.1997
at about 12.30 pm at Vayalur Village, Chidambaram, the injured,
Uthandy (first respondent herein) has filed a petition for
compensation for a sum of Rs.1,50,000/-. As against the said
claim, the Tribunal has awarded a sum of Rs.70,000/- as total
compensation. Against which, the Transport Corporation has
filed the Appeal.

3. The Tribunal, based upon the facts, materials and evidence has calculated the compensation under two heads, namely, disability at Rs.35,000/- and pain and sufferings, medical, transport, extra nourishment (all together) at Rs.35,000/-, totalling the compensation at Rs.70,000/-.

4. Heard both sides.

5. It is the contention of the learned counsel for the appellant / Transport Corporation that the award passed by the Claims Tribunal is excessive and exorbitant, considering the nature of injuries and period of treatment by the claimant.

6. This Court is of the opinion that the compensation awarded under all the heads by the Tribunal are reasonable, weight of evidence and based on settled principles. Further, the grounds taken by the Insurance Company on the point of liability cannot be raised at this stage and therefore, it cannot be accepted at this distant point of time. That apart, the Tribunal has chosen to award a sum of Rs.35,000/-, without any break up details, i.e., under the consolidated head of 'pain and sufferings, medical, transport, nourishment'. Had there been break-up details, that would have been helpful for this Court to find out the justifiability of the award.

7. Further, the Tribunal has not awarded any sum towards attendant charges, future medical expenses, and loss of expectation of life (shortening of normal longevity). Therefore, the grounds raised by the Insurance Company are liable to be rejected and they are rejected accordingly. The compensation awarded by the Tribunal is just, fair and reasonable.

8. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant / Transport Company shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, 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 Tribunal is directed to transfer the deposited amount to the Savings Bank Account of the claimant / injured / first respondent herein, forthwith, through RTGS. Consequently, the connected CMP is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srk

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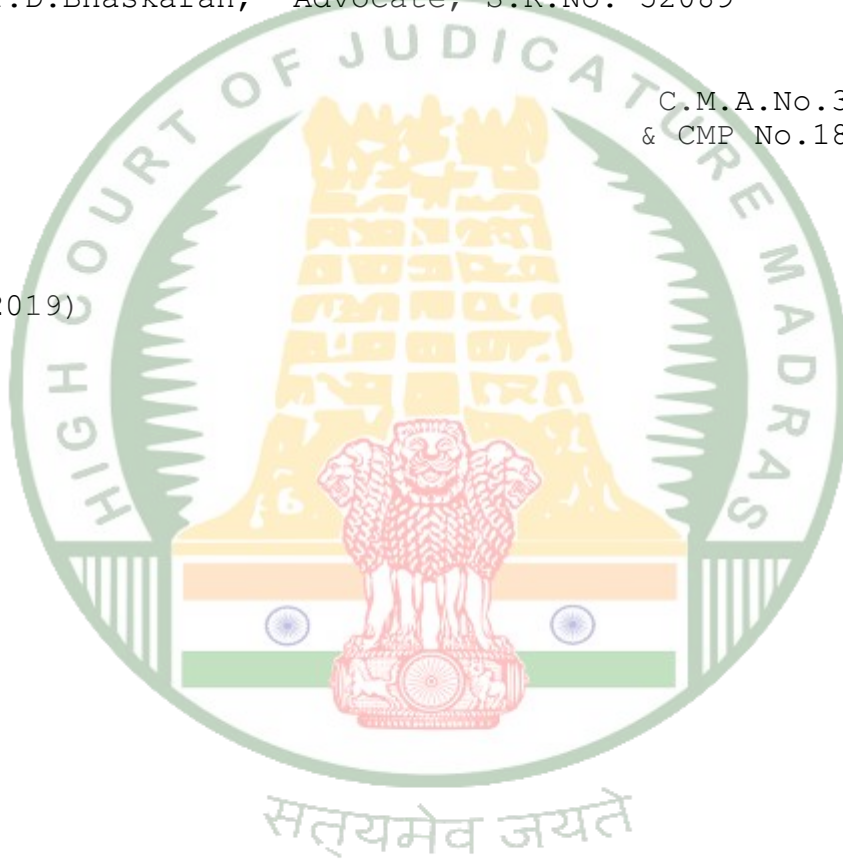
1. Motor Accident Claims Tribunal,
Additional District Court,
Chidambaram
2. The Section Officer,
V.R.Section, Madras High Court,
Chennai 104.

+1cc to Mr.G.Munirathnam, Advocate, S.R.No. 52030

+1cc to Mr.D.Bhaskaran, Advocate, S.R.No. 52089

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& CMP No.18843 of 2005

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