

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2391 of 2008

and

M.P.No.1 of 2008

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., Division I,
G.N.T. Road, Villupuram. ...Appellant/Respondent

Vs

Minor Ranjitham @ Ranjitha,
(Minor respondent rep by Next
Friend Guardian Mother Pongavanam) ...Respondent/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgement and decree dated 25.09.2007 made in M.C.O.P.No.426 of 2004, on the file of Motor Accidents Claims Tribunal, Fast Track Court I, Dindivanam.

For Appellant : Mr.S.V.Vasantha Kumar
For Respondent : Mrs.K.Vasanthamala
for Mr.M.Ravi Chandran

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the award dated 25.09.2007 made in M.C.O.P.No.426 of 2004, on the file of Motor Accidents Claims Tribunal, Fast Track Court I, Dindivanam.

2.The case in brief is as follows:

On 29.04.2001 about 12.45 hours, the minor claimant/respondent herein was travelling in a bus Route No.122, bearing Regn.No.TN32 N 1467 belonging to the appellant transport Corporation, along with her mother, from Chennai to Tiruvannamalai. When the bus was nearing Ongur Village, Tindivanam Taluk, the driver of the vehicle drove it in a rash and negligent manner and dashed against the Trailer-lorry, which was coming from the opposite direction. Due to the said impact, the respondent sustained fracture and grievous injuries. Stating so, she filed a claim petition claiming a compensation of

Rs.3,00,000/- . On consideration of the materials and evidence, the Tribunal awarded a total compensation of Rs.90,000/- with interest at 6%pa from the date of petition. Aggrieved over the same, the appellant transport corporation has preferred this appeal.

3.The learned counsel appearing for the appellant has disputed only the quantum of compensation awarded by the Tribunal. According to him, in the absence of any concrete material, the Tribunal has erred in awarding huge sum of Rs.90,000/- as compensation and hence, the same has to be reduced to some extent.

4.Per contra, the learned counsel for the respondent/claimant submitted that based on the oral and documentary evidence, the Tribunal has awarded the just compensation, which warrants no interference at the hands of this Court.

5.Heard both sides and perused the records.

6.There is no dispute with regard to the findings of the Tribunal on negligence and liability of the appellant Transport Corporation. What was disputed herein is the quantum of compensation awarded by the Tribunal.

7.P.W.1/father of the minor claimant has deposed in his evidence that in the accident, his daughter, aged 13 years, sustained fracture in right leg below knee and she took treatment for three days as inpatient and thereafter, once in 15 days in Government Hospital, Tiruvannamalai. Ex.P5 is the medical slip, Ex.P4 is the wound certificate, Ex.P11 is the disability certificate issued by P.W.3/doctor, as per which, the respondent sustained 60% permanent disability. Placing reliance on the oral and documentary evidence adduced by the respondent/claimant, the Tribunal has awarded Rs.60,000/- towards disability, Rs.10,000/- towards pain and suffering, Rs.5,000/- towards transportation charges, Rs.5,000/- towards extra nourishment and Rs.10,000/- towards medical expenses and in totalling Rs.90,000/-, which, in the opinion of this Court, is just and reasonable, considering the nature of the injuries sustained by the respondent/claimant and having regard to the facts and circumstances of the case and hence, the same need not be interfered.

8.In the result, the Civil Miscellaneous Appeal is dismissed and the award of the Tribunal is confirmed as such. No costs. Consequently, the Civil Miscellaneous Petition is closed. The appellant-Transport Corporation is directed to deposit the award amount along with interest and costs, less the

amount, already deposited if any, within a period of four weeks from the date of receipt of copy of this judgement. As it is reported that the minor respondent attained majority as of now, the Tribunal shall transfer the amount lying in the deposit to the savings bank account of the respondent, on filing proper application.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gbi/rk

To

1.The Motor Accidents Claims Tribunal,
Fast Track Court I,
Dindivanam.

2.The Section Officer,
V.R. Section,
High Court of Madras,
Chennai.

+1 cc to Mr.U.M.Ravichandran Advocate sr52561

+1 cc to Mr.S.V.Vasantha kumar Advocate sr52585

C.M.A.No.2391 of 2008
and
M.P.No.1 of 2008

mr(co)
aa24/03/2020

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