

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.411 of 2006
& CMP No.1358 of 2006

Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Salem

... Appellant/Respondent

Vs.

Babul

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.02.2004 in MACT OP No.796 of 2002 on the file of the Motor Accident Claims Tribunal, Sub Court, Krishnagiri.

For Appellant : Mr. R.Arunmozhi

J U D G M E N T

On 28.03.2002 at about 09.45 pm, the respondent herein / claimant boarded in the appellant Transport Corporation Bus bearing Registration No.TN27-N-0901 from Dharmapuri towards Krishnagiri, and while the bus nearing a place called Thimmapuram, the driver lost his control and hit on a road side tree. Due to the said impact, the first respondent herein sustained grievous injuries. It is the claim of the claimant that the accident had occurred only due to the rash and negligent driving of the driver of the Corporation Bus. Hence, the claimant made a claim for a sum of Rs.3,00,000/- and the Tribunal, based on the materials available on record, has awarded a sum of Rs.1,26,600/-. Aggrieved over the same, the Transport Corporation has filed this Appeal.

2. Though very many grounds have been raised by appellant Transport Corporation, the same are untenable, since the Tribunal has passed the award based on the probabilities of the case and evidence.

3. Further, an analysis of the award passed by the Tribunal would show that it has incorporated the evidence of P.W.2-

Doctor. The Doctor, in his evidence, has assessed the disability at 50%, by noting down the following injuries/discomforts on claimant:

1. Out of three injuries, two injuries are grievous in nature.
2. Loss of four teeth in lower jaw.
3. There is disfigurement in face, difficulty while talking and eating.
4. Injuries all over the body.

4. Added to the above, on the side of the appellant, except the Driver of the Bus, no one was examined and no document was marked. There is no contra evidence available to weigh the grounds of the appellant. Had there been some materials produced by the appellant, this Court would have analyzed the same and weighed the quantum awarded.

5. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The Tribunal has assessed the damages objectively. Hence, after seventeen years, it may not be proper to interfere with the said quantum of compensation of Rs.1,26,600/-.

6. In view of the above, the Appeal has no merits and therefore, this Civil Miscellaneous Appeal is dismissed.

7. The appellant / Transport Corporation is directed to deposit the compensation amount, as awarded by the Tribunal, along with interests 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 Tribunal shall transfer the amount to the Savings Bank Account of the injured / claimant, forthwith. No costs. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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To

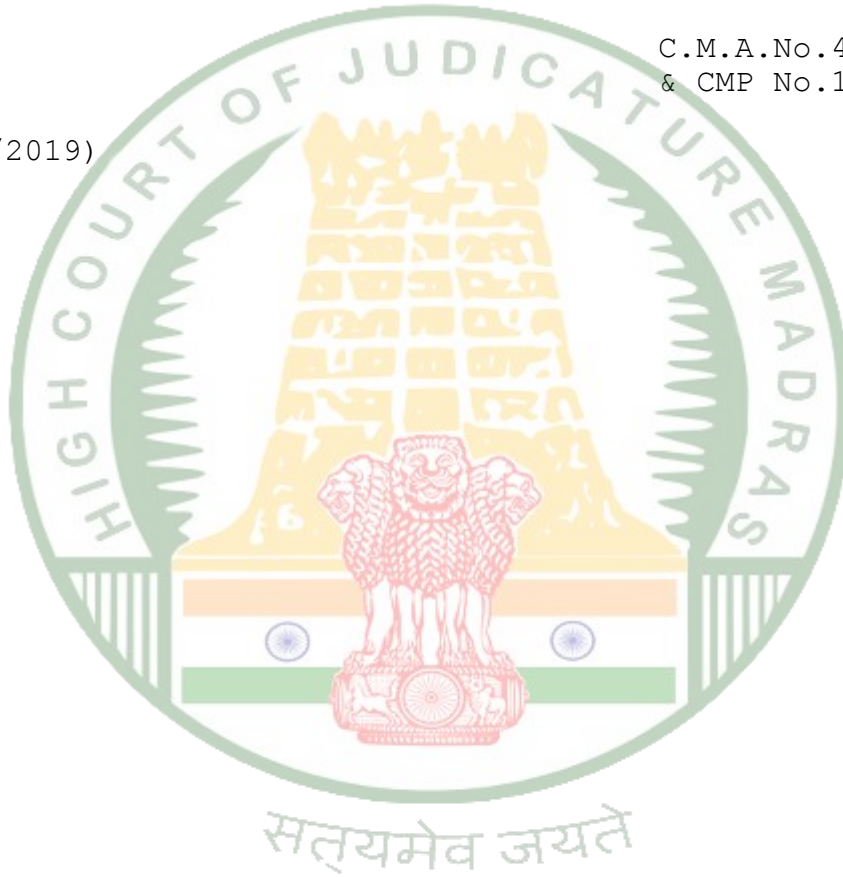
1. Motor Accident Claims Tribunal,
Sub Court, Krishnagiri.

2. The Section Officer,
V.R.Section,
Madras High Court,
Chennai - 104.

+1cc to Mr.R.Arunmozhi, Advocate SR.No.47381

C.M.A.No.411 of 2006
& CMP No.1358 of 2006

SVI (CO)
GMY (13/09/2019)



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