

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A.Nos.1016 and 1017 of 2010

S.Deivanai : Appellant in CMA No.1016 of 2010/Petitioner

M.Ranjitham : Appellant in CMA No.1017 of 2010/Petitioner

Vs

The Superintendent of Police,
Thiruvallur, Thiruvallur District.

:Respondent in both appeals/Respondent

Common Prayer: Appeals filed under Section 173 of the Motor Vehicles Act against the Decree and Judgment, dated 05.11.2009 passed in M.C.O.P.Nos.5245 and 5026 of 2004 by IV Small Causes Court (Motor Vehicle Accident Claims Tribunal), Chennai.

For Appellant : Mr.N.M.Muthurajan
(In both cases)

For Respondent : Mr.S. Jagannathan
(In both cases) Government Advocate

COMMON JUDGMENT

Challenge made in these appeals is to the award passed by the Motor Accident Claims Tribunal (IV Small Causes Court), Chennai in M.C.O.P.Nos.5245 and 5026 of 2004, dated 05.11.2009.

2.The brief facts of the case are that on 10.10.2002 at about 16:00 hours, both the appellants were travelling in a van bearing Registration No.TN-49-E-0076 from Chennai to Tindivanam. When the vehicle was stationed at Palar River old Bridge, Mamandur, at that time, a police mini bus TN-20-G-0140 came in rash and negligent manner and dashed against the stationed van. In that process, both appellants/claimants sustained grievous injuries. Thus, the appellants herein, sought compensation of Rs.4,50,000/- and Rs.4,00,000/- respectively on the ground that the driver of the offending vehicle was responsible for the accident.

3.The claim was opposed by the respondent disputing the manner of accident and their liability to pay compensation.

4.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the offending vehicle was responsible for the accident and awarded compensation of Rs.33,500/- and Rs.63,500/- respectively with interest @ 7.5 % p.a.

5.Heard both sides and perused the materials available on record.

6.The manner of the accident and the finding on negligence are not in dispute and the appeals are confined only to quantum of compensation awarded by the Tribunal.

7.It is contended by the learned counsel for the appellants that the tribunal awarded only just compensation when compared to the injuries sustained in the accident and prays to enhance the compensation amount.

8.On the other hand, the learned counsel for the respondent submitted that the award is reasonable, which does not warrant any interference of this court.

9.It is not in dispute that the appellant in CMA No.1016 of 2010 was self employed and thereby earning Rs.150/- per day and he was 26 years old at the time of accident. The Tribunal fixed the monthly income of the injured at Rs.3,000/- on the ground that due to the accident, he is unable to work for at-least 2 months. Further, the tribunal has awarded Rs.6,000/- under the head loss of earnings; Rs.1,500/- towards transportation; Rs.1,500/- for Extra Nourishment; Rs.500/- towards Damage to clothing and materials; Rs.2,000/- towards Medical Expenses; Rs.3,000/- towards Attender charges; Rs.4,000/- towards pain and sufferings and Rs.15,000/- towards compensation for continuing permanent disability. In total, the Tribunal has awarded Rs.33,500/- together with interest @ 7.5% p.a.

10.It is not in dispute that the appellant in CMA No.1017 of 2010 was self employed and thereby earning Rs.100/- per day and he was 50 years old at the time of accident. The Tribunal fixed the monthly income of the injured at Rs.3,000/- on the ground that due to the accident, he is unable to work for at-least 4 months. Further, the tribunal has awarded Rs.12,000/- under the head loss of earnings; Rs.2,000/- towards transportation; Rs.2,000/- for Extra Nourishment; Rs.500/- towards Damage to clothing and materials; Rs.2,000/- towards Medical Expenses; Rs.5,000/- towards Attender charges; Rs.10,000/- towards pain and sufferings; Rs.30,000/- towards for

Disability. In total, the Tribunal has awarded Rs.63,500/- together with interest @ 7.5% p.a. This court is of the considered opinion that the award of the tribunal, based on the evidence is reasonable and warrants no interference of this court and the same is confirmed.

11.In the result, these Civil Miscellaneous Appeal are dismissed, confirming the common award passed by the tribunal. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

smn

To

The Motor Accidents Claims Tribunal-cum-
IV Small Causes Court, Chennai

Copy To
The Section Officer,
VR Section, High Court, Madras

+1cc to Special Government Pleader (CS)SR.No.95238

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PA (CO)
GMY (23/10/2020)

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