

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NO.1360 OF 2009

&

M.P.NO.1 OF 2009

The Managing Director,
Tamil Nadu State Transport Corporation,
Trichy.

.... Appellant/Respondent

...vs...

Sri Rangan

... Respondent/Petitioner

Prayer:-

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.217 of 2005, dated 14.08.2008 on the file of the Motor Accident Claims Tribunal, and Sub Judge Ariyalur.

For Appellant : Mr.S.V.Vasantha Kumar

For Respondent : Not Ready in notice

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation, challenging the quantum of compensation awarded by the Claims Tribunal in M.C.O.P.No.217 of 2005 dated 14.08.2008 on the file of the Motor Accident Claims Tribunal, Sub Judge, Ariyalur.

2.In an accident that took place on 29.06.2005 at about 09.15 pm at Udayarpalayam near Jayam kondam, the respondent sustained injuries, for which, he filed a claim petition before the Tribunal claiming a sum of Rs.3,00,000/- as compensation. As against the said claim, the Tribunal has awarded a sum of Rs.1,00,000/-, against which, the Transport corporation has filed the present appeal.

3.The learned counsel for the appellant has submitted that the Tribunal has erroneously accepted 38% disability, since the

claimant suffered only simple injuries. In all, he submitted that the compensation awarded by the Tribunal is excessive.

4. Even though, this appeal was admitted way back on 15.06.2009, the appellant has not taken steps to serve papers to the respondent even at this length of time. However, due to paucity of time, this appeal is taken up for final disposal, on merits.

5. Heard the learned counsel for the appellant and perused the materials and evidence available on record.

6. Since the finding of the Tribunal as to the manner in which the accident took place has not been disputed by the appellant, this Court is not inclined to interfere with the said aspect.

7. With regard to quantum, taking note of the disability fixed by the Doctor at 40%, injuries suffered by the claimant, expenses relating to transportation, extra nourishment, pain and suffering and all other aspects, the Tribunal has awarded a sum of Rs.1,00,000/-, against the claim of Rs.3,00,000/-, which cannot be termed as excessive, according to this Court. In the circumstances, the compensation awarded by the Tribunal does not require any interference.

8. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant / Transport Corporation is directed to deposit the compensation amount, along with interest and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of six weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the claimant is permitted to withdraw the same on making proper application before the Tribunal.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srk/smn

To

1. The Motor Accident Claims Tribunal,
Subordinate Judge, Ariyalur.

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

C.M.A.No.1360 of 2009
& MP No.1 of 2009

MP (CO)
CS/20/11/2020



WEB COPY