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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.3455 of 2008
and M.P.No.1 of 2008

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
Villupuram. ... Appellant/Respondent

Vs

Munusamy ... Respondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 23.04.2008 made in MCOP No.830 of 2005 on the file of the Motor Accidents Claims Tribunal and Sub Court, Gingee.

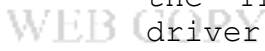
For Appellant : Mr.S.V.Vasanthakumar

JUDGMENT

This appeal is preferred by the appellant Transport Corporation against the award of a sum of Rs.89,880/- towards compensation to the respondent, due to the injuries suffered by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 28.09.2001, the respondent / claimant travelled in the bus belonging to the appellant Transport Corporation, bearing Reg.No.TN-32-N35 (Route No.122) from Tiruvannamalai to Gingee. At about 16.10 hours on that day, when the bus was nearing Baranyangal, the driver of the bus turned it in a rash and negligent manner to avoid an accident with a lorry which was coming from the opposite direction. Due to the said impact, the claimant, who was standing inside the bus near the foot-board, fell down from the bus and sustained grievous injuries all over the body. The claimant filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.89,880/- with interest at the rate of 7.5% per annum from the date of petition.



4. The learned counsel for the appellant has submitted that the Tribunal has erred in holding that the appellant's bus driver was rash and negligent and was responsible for the accident. He also submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

6. It is seen that the respondent has not been served. Even though this appeal was admitted way back in the year 2008, the appellant Transport Corporation has not taken proper steps to serve papers to the respondent, even at this length of time.

8. In respect of the quantum of compensation, the Tribunal has awarded a sum of Rs.74,880/- towards disability. Considering the evidence available on record, the Tribunal came to the conclusion that the claimant would have earned not less than Rs.1,500/- per month, arrived at the monthly income at Rs.18,000/-, applied the multiplier of 13 relating to the age of the injured, and thereafter, taking note of the disability of 32%, awarded a sum of Rs.74,800/- towards 32% disability. The Tribunal has also awarded a sum of Rs.5,000/- towards extra nourishment and Rs.10,000/- towards pain and suffering. The Tribunal has considered the materials and evidence properly and has awarded compensation towards the above heads and hence the same need not be interfered with by this Court.

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deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent / claimant is permitted to withdraw the same, on making proper application before the Tribunal.

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Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

KM

To

1. The Sub Judge,
The Motor Accidents Claims Tribunal and Sub Court,
Gingee.
2. The Section Officer,
VR Section, Madras High Court.

C.M.A.No.3455 of 2008
and M.P.No.1 of 2008

LN (CO)
GMY (18/08/2021)