

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1549 of 2009

and

M.P.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Coimbatore-43. Appellant/2nd Respondent

Vs

1.G.Arathal1st Respondent/Petitioner

2.N.Ragupathi2nd Respondent/1st Respondent

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 23.12.2008 made in MCOP No.27 of 2007 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Erode.

For Appellant : Mr.S.V.Vasanth Kumar

For R1 : Mr.T.Bhuvaneshwar

For R2 : given up

JUDGMENT

This appeal is preferred by the Transport Corporation against the award of a sum of Rs.1,04,000/- towards compensation to the first respondent, for the injuries sustained by her in a motor vehicle accident.

2.The case in brief, is as follows:

On 16.05.2006, about 05.30 hours, the first respondent boarded the wrong route bus. After knowing the same, she decided to get down from the bus. When she was in the process of getting down from the stopped bus, the driver moved the bus suddenly and negligently. As a result of the same, the first respondent lost her balance and fell from the moving bus and was dragged on to some distance. Due to the said impact, she sustained grievous injuries all over the body. Stating so, she filed a claim

petition claiming a compensation of Rs.5,00,000/-. On consideration of the evidence available on record, the Tribunal awarded a total compensation of Rs.1,04,000/- with interest at the rate of 7.5% per annum from the date of petition. Challenging the same, the appellant Transport Corporation has filed the present Civil Miscellaneous Appeal.

3.The learned counsel for the appellant has not disputed the liability of the appellant transport corporation to pay compensation. However, he submitted that the quantum of compensation so awarded by the Tribunal is excessive, exorbitant and disproportionate to the injuries sustained by the first respondent/claimant.

4.Heard the learned counsel for the appellant as well as the first respondent and perused the materials available on record carefully and meticulously.

5.There is no dispute with regard to the liability of the appellant transport corporation to pay compensation and hence, the finding of the Tribunal in this aspect is hereby confirmed by this Court.

6.P.W.1/first respondent/claimant has deposed that in the accident, she sustained grievous injuries in both the legs, thigh, calf muscles, joints etc; she took treatment from 16.5.2006 to 20.9.2006, as inpatient; and she also underwent skin crafting, plastic surgery and surgery for the removal of decomposed blood and fluids. The evidence of the claimant was supported by P.W.2/Doctor, who deposed that the first respondent/claimant's legs were crushed and fractured; heavy damage was caused to muscles, nerves around both the legs and all joints in both the legs; she also sustained grievous injuries all over the body; and she suffered with the disability of 25%. The Tribunal has taken note of those oral evidence coupled with Ex.P8 disability certificate and other documentary evidence and has awarded Rs.50,000/- towards permanent disability, Rs.20,000/- towards pain and suffering, Rs.15,000/- (Rs.2,500/- X 6 months) towards loss of income for six months, Rs.3,000/- towards extra nourishment, Rs.10,000/- towards loss of amenities and Rs.6,000/- towards attender charges, and in totalling Rs.1,04,000/- with interest at 7.5% p.a. from the date of petition, which in the considered opinion of this Court, are just and reasonable and hence, the same do not call for any interference.

7.In such view of the matter, this appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Transport Corporation is directed to

deposit the award amount as ordered by the Tribunal with interest and costs, after deducting the amount if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the first respondent /claimant is permitted to withdraw the same, on making proper application.

Sd/-
Assistant Registrar(CS VIII)

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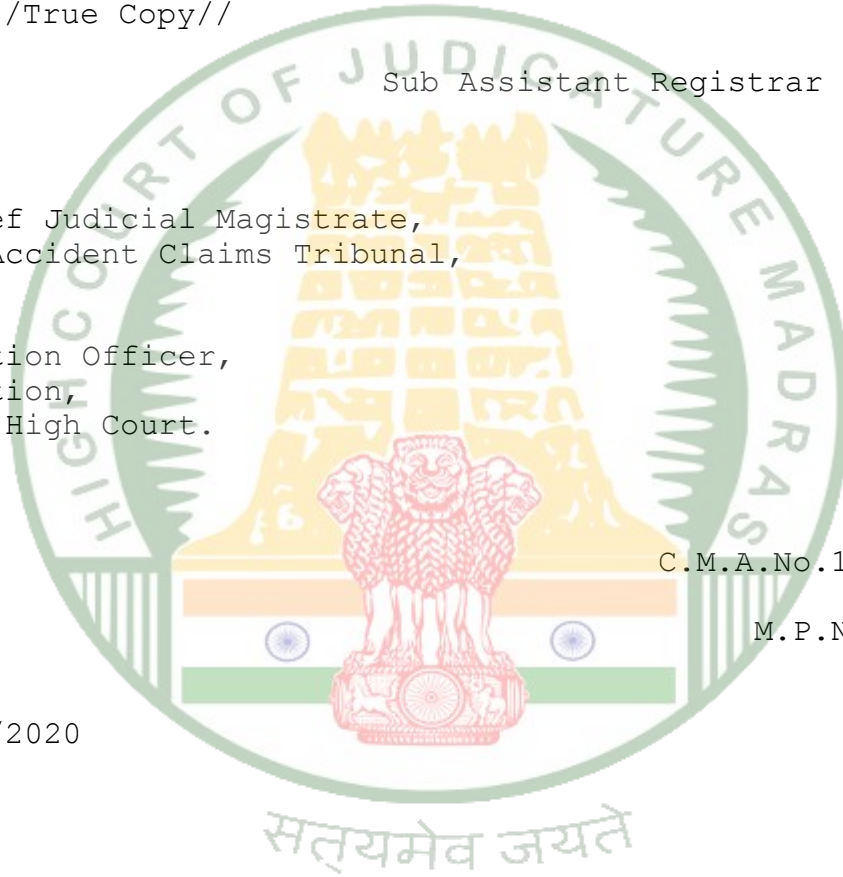
Sub Assistant Registrar

To

- 1.The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Erode.
- 2.The Section Officer,
VR Section,
Madras High Court.

C.M.A.No.1549 of 2009
and
M.P.No.1 of 2009

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