

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3672 of 2008

& M.P.No.1 of 2008

The Managing Director
Tamil Nadu State Transport Corporation Ltd
Dharmapuri Division
12 Ramakrishna Main Road
Salem-7

Appellant / Respondent

Vs

A.Sivaraman

Respondent / Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 10.03.2008 passed in M.C.O.P.No.82 of 2007 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Salem.

For Appellant : Mr.S.V.Vasanthakumar

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J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Tamil Nadu State Transport Corporation Limited, as against the award passed by the Tribunal in M.C.O.P.No.82 of 2007, under the following heads:-

S.No	Head	Compensation (in.Rs.)
1.	Towards Loss of earning	40,500.00
2.	Towards Medical Expenses	140.00
3.	Towards Transportation Expenses	5,000.00
4.	Towards Attender's charges	5,000.00
5.	Towards Damages to clothings/personal materials	5,000.00
6.	Towards pain and sufferings	10,000.00
	Total	65,640.00

2. Heard the learned counsel for the appellant.

3. Despite several opportunities, the respondent has not been served. Hence the appeal is taken up for consideration on merits.

4. The learned counsel for the appellant submitted that the claimant sustained only simple injuries and for that, a sum of Rs.65,640/- as compensation awarded by the Tribunal is exorbitant.

5. In order to appreciate the contentions, it is necessary to re-look the award passed by the Claims Tribunal.

6. Before the Tribunal, the claimant himself examined as PW1 and the Doctor, who assessed the disability of the claimant, has been examined as PW 2 and Exs.P-1 to P-7 were marked. On the side of the Transport Corporation, RW.1 was examined, but no document has been marked.

7. PW 2, the Doctor, with whom the claimant has taken treatment, has assessed the disability at the rate of 20%. While assessing so, the Doctor has taken into account the fracture and crush injury in the left index finger, due to which, the claimant was not able to squat or sit in cross legs. Hence, the contention of the appellant herein that the respondent herein has only sustained simple injuries, has no legs to stand. Further, the Tribunal has taken the pecuniary damages on all heads in a conventional manner, which is based on a settled principles of law and weightage of evidence. Hence, this Court is not inclined to interfere with the award passed

8. Apart from the above, the driver of the appellant's bus was examined as R.W.1 and he was charge-sheeted, which fact was also taken into consideration by the Claims Tribunal.

9. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant / Transport Corporation shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, 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 is directed to transfer the deposited amount to the Savings Bank Account of the claimant forthwith, through RTGS. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srk / vrn
To

1. The Motor Accident Claims Tribunal/Chief Judicial Magistrate, Salem

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

C.M.A.No.3672 of 2008
& M.P.No.1 of 2008

A.SK(18/11/2019)

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