

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2472 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Vellore. ... Appellant/1st Respondent

vs.

Sankar ...Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 31.12.2008 passed in MCOP.No.243 of 2008 on the file of the Motor Accident Claims Tribunal / Additional District Judge, Fast Tract Court Tirupathur, Vellore.

Appellant : Mr.K.J.Sivakumar

Respondent : No appearance

JUDGMENT

The appellant, the Managing Director, Tamil Nadu State Transport Corporation Limited is the respondent in MCOP.No.243 of 2008 on the file of the Motor Accident Claims Tribunal / Additional District Judge, Fast Tract Court, Tirupathur at Vellore. The claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.2,50,000/- for the injuries sustained by him in a road accident on 22.02.2005.

2. The case of the claimant in nutshell is as follows:

On 22.02.2005, the claimant was travelling as a passenger in a TNSTC bus bearing Registration No. TN 23 N 1535 on Tirupathur - Vaniyambadi road and at about 08.50 p.m, when the bus was nearing Vellore, the driver of the bus drove the bus rashly and negligently and hit a stationary lorry, as a result whereof, the claimant sustained injuries all over his body.

3. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration No. TN 23 N 1535, belonging to the Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore they are liable to pay compensation.

4. The learned Additional District Judge / Motor Accidents Claims Tribunal, Fast Tract Court, Tirupathur at Vellore after analysing the evidence on record, awarded a compensation of Rs.80,000/- together with interest at the rate of 7.5% per annum to the claimant. Questioning the quantum of compensation awarded by the Tribunal, the Tamil Nadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.K.J.Sivakumar, learned counsel appearing for the appellants. No appearance on behalf of the respondents.

6. Dr.Lenin (P.W.2) had assessed the partial permanent disability as 30%. A perusal of the records shows that the claimant sustained fracture of both bones on his right leg and was admitted as an in-patient for four days. The Tribunal has awarded a sum of Rs.80,000/- considering the nature of injuries and the period of treatment undergone by the claimant and by no stretch of imagination, the award passed by the Tribunal can be said to be on the higher side. Therefore, the present appeal is liable to be dismissed.

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellants / Tamil Nadu State Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.80,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.243 of 2008 on the file of the Motor Accident Claims Tribunal / Additional District Court, Fast Tract Court Tirupathur, Vellore within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the respondent / claimant is at liberty to withdraw the same after following due process of law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional District Judge,
Motor Accidents Claims Tribunal,
Fast Tract Court,
Tirupathur, Vellore.
- 2.The Section Officer,
VR Section, High Court,
Madras-104.

CMA.No.2472 of 2009

kk[co]
srg 13/07/2020