

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.09.2019

CORAM:

THE HONOURABLE MRS. JUSTICE. R.HEMALATHA

CMA.No.3287 of 2009

K.Kuppusamy ... Appellant/Claimant

Vs.

1. R.Mani
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Coimbatore Division-II),
Chennimalai Road, Erode-I. ...Respondents/ Respondents

Prayer:

This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 against the orders dated 31.07.2009 passed in MCOP No.96 of 2007 by the Principal Subordinate Judge/ Motor Accident Claims Tribunal, Erode.

For Appellant : Mr.N.Manokaran

For Respondents : Mr.S.Vasanthakumar
(for R2)
No appearance for R1

JUDGMENT

The appellant is the claimant in MCOP No.96 of 2007 on the file of the Principal Subordinate Judge/Motor Accident Claims Tribunal, Erode and he filed the above said claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.2,00,000/- for the injuries sustained by him in a road accident that took place 06.07.2006.

2. The case of the appellant/ claimant is that on 06.07.2006 at about 7.15 a.m., when he was riding his two wheeler bearing registration No.TN33-AX-6690 along Perundurai Road, Chennimalai Town, a speeding bus bearing Registration No.TN-33-N-1408, belonging to the Tamil Nadu State Transport Corporation hit the two wheeler, as a result of which, he fell down and sustained injuries all over his body and he was immediately rushed to nearby hospital. According to the claimant, the rash and negligent driving of the driver of the bus was the cause of accident and hence the Tamil Nadu State Transport Corporation (2nd respondent) is liable to pay compensation to him.

3. The learned Principal Subordinate Judge/ Motor Accident Claims Tribunal, Erode, after analysing the evidence on record, awarded a compensation of Rs.18,673/- together with interest at the rate of 7.5% per annum. Not satisfied with the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal seeking enhancement of compensation.

4. Mr.N.Manokaran, learned counsel appearing for the appellant/ claimant contended that when the Doctor S.M.Duraisamy (PW2) assessed the partial permanent disability of the claimant as 20%, the Tribunal had awarded a very meagre amount of Rs.18,673/- towards compensation and that no amounts were awarded under the heads "Extra Nourishment", "Transportation ", and "Loss of Earning Power " and therefore he prayed for enhancement of compensation.

5. Per contra, Mr.S.Vasudevan, learned counsel appearing for the 2nd respondent contended that the Tribunal had awarded a just compensation, since the nature of injuries sustained by the claimant was simple in nature and therefore, he prayed for dismissal of the appeal.

6. No appearance on behalf of the first respondent.

7. The wound certificate (Ex.P4) shows that the injuries sustained by the claimant were simple in nature. More over, the police had also filed a final report against the driver of the 2nd respondent for the offences punishable under Sections 279 and 337 of the Indian Penal Code. A perusal of compensation awarded by the Tribunal shows that a sum of Rs.15,000/- was awarded for the injuries sustained by the claimant. Apart from that, the Tribunal had also awarded a sum of Rs.2,723/- towards "medical expenses" and Rs.2000/- for "pain and sufferings" and thus a total amount of Rs.18,673/- was awarded to the claimant as compensation.

8. The award passed by the Tribunal cannot be said to be a meagre amount. In fact, the Tribunal after considering all the aspects of the case, has awarded a just compensation and therefore, I do not see any reason to interfere with the orders passed by the Tribunal.

9. In the result, the civil miscellaneous appeal is dismissed. No costs. The orders dated 31.07.2009 passed in MCOP No.96 of 2007 by the Principal Subordinate Judge/ Motor Accident Claims Tribunal, Erode is upheld.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

mst
To

1. Principal Subordinate Judge,
Motor Accident Claims Tribunal, Erode

Copy to:

The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.N.Manokaran , Advocate SR.No. 79461

CMA.No.3287 of 2009

A.SK(27/02/2020)