

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.736 of 2009

and

M.P.No.1 of 2009

Managing Director,  
Tamil Nadu State Transport  
Corporation Villupuram Ltd,  
Villupuram.

.. Appellant/ Respondent

Vs.

Govindammal

.. Respondent/ Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 18.12.2007 made in M.C.O.P.No.355 of 2005 on the file of the Motor Accident Claims Tribunal, Additional Sub-Court No.II, Villupuram.

For Appellant : Mr.S.S.Swaminathan

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant/Transport Corporation as against the award of a sum of Rs.80,000/- to the respondent/claimant for the injuries sustained by her in a motor vehicle accident.

2.The facts of the case are that, on 30.03.2005 at about 12.00 noon, while the respondent was getting down from the bus bearing Registration No.TN-32-N-1248, belonging to the appellant Transport Corporation at Poongapalayam bus stop, the driver of the bus started the same suddenly in a rash and negligent manner. Due to the impact, the respondent fell down from the moving bus and sustained head injuries, for which, she filed a claim petition claiming a sum of Rs.4,00,000/- as compensation. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident had occurred due to the rash and negligent driving of the driver of the bus and directed the appellant/Transport Corporation to pay a sum of Rs.80,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant /Transport Corporation has come up with the present appeal.

4.The learned counsel for the appellant/Transport Corporation has not disputed the liability of the Transport Corporation to pay compensation to the respondent/claimant. However, he submitted that the compensation of Rs.80,000/- awarded by the Tribunal is excessive and exorbitant for the minor injuries sustained by the respondent/claimant.

5.Heard the learned counsel for the appellant and perused the records.

6.Though this appeal was admitted way back in the year 2009, the appellant has not taken proper steps to serve notice on the other side. However, due to efflux of time, this appeal is taken up for final disposal on merits.

7.Since the learned counsel for the appellant has not questioned the manner in which the accident took place, the finding of the Tribunal that the bus driver was responsible for the accident, need not be interfered with by this Court.

8.With regard to the quantum of compensation, the Tribunal has awarded a sum of Rs.40,000/- towards 20% disability (though the Doctor has assessed the disability at 30%) at the rate of Rs.2,000/- per percentage of disability, Rs.25,000/- towards pain and suffering and Rs.15,000/- towards transportation, extra nourishment, medical expenses and damages to clothes. The Tribunal has relied upon the exhibits, evidence of witnesses, medical bills, treatment records and all other aspects in a proper perspective and has awarded the above amounts under various heads to the respondent /claimant. Further, this Court is of the considered view that the amounts awarded towards these heads are reasonable and justifiable and hence the same are confirmed.

9.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed. The appellant/Transport Corporation is directed to deposit the award amount with interest and costs, as ordered by the 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, the respondent / claimant is permitted to withdraw the same on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gbi

To

1.The II Judge, Additional Sub-Court,  
Motor Accident Claims Tribunal,  
Villupuram.

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

+2ccs to Mr.S.S.Swaminathan , Advocate SR.No. 64645,64534

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A.SK(22/07/2020)