

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1440 of 2016

Imran

... Appellant/Petitioner

Vs

The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Anna Salai,
Chennai-2.

... Respondent/Respondent

Appeal under Section 173 of the Motor Vehicles Act against the award and decree dated 21.07.2015 made in MCOP No.5513 of 2012 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondent : Mr.K.S.Suresh

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant / claimant against the award dated 21.07.2015 made in MCOP No.5513 of 2012 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

2.The case in brief, is as follows:

On 05.12.2011, at about 08.40 hours, the appellant / claimant along with his son as pillion rider, was riding a motorcycle bearing Reg.No.TN-04-W-7004 from Minjur to Perambur. When he reached Pugambedu, a bus bearing Regn.No.TN-01-4-4094 came from the opposite direction in a rash and negligent manner and dashed against the motorcycle, as a result of which both the rider and the pillion rider sustained grievous injuries. Stating that the accident had occurred only due to the rash and negligent driving of the driver of the bus, the appellant / claimant has filed a claim petition claiming a compensation of

Rs.2,00,000/- . The Tribunal on consideration of the oral and documentary evidence available on record, has arrived at a conclusion that there was a negligence on the part of the driver of the Transport Corporation bus and thereby, the accident was caused and ultimately, awarded a compensation of Rs.30,350/- for the injuries sustained by the appellant / claimant. Feeling aggrieved and being dissatisfied with the quantum so awarded by the Tribunal, the appellant / claimant has come forward with the present appeal, seeking enhancement of the same.

3.The learned counsel for the appellant / claimant has submitted that the appellant/claimant sustained 15% permanent disability and he took treatment as inpatient and outpatient and his claim was substantiated by oral and documentary evidence. However, the Tribunal has awarded only a meagre sum of Rs.30,350/- as total compensation and hence, the same has to be enhanced substantially.

4.The learned counsel for the respondent Transport Corporation has submitted that the Tribunal has correctly considered the materials and evidence available on record and has awarded the just compensation and hence the judgment of the Tribunal does not require any interference in the hands of this Court.

5.Heard both sides and perused the records.

6.This is a claimant's appeal seeking enhancement of the compensation awarded by the Tribunal. Hence, there is no requirement for this Court to go into the finding of the Tribunal on negligence.

7.A perusal of the award would reveal that the Tribunal has considered the evidence of the witnesses and documents marked in detail and taken note of the injuries sustained by the appellant / claimant, which are simple in nature, and has awarded a total compensation of Rs.30,350/-, which in the opinion of this Court, is just and reasonable and the same need not be interfered. It is also pertinent to note that in the same accident, the son of the appellant who was a pillion rider, also sustained injuries, for which, the Tribunal has awarded a total compensation of Rs.1,09,500/- under various heads. Therefore, this Court finds no ground much less valid ground to enhance the compensation so determined by the Tribunal.

8.Hence, the Civil Miscellaneous Appeal fails and the same is accordingly, dismissed. No Costs. The respondent Transport Corporation is directed to deposit the compensation with interest and costs, as ordered by the Tribunal, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On

such deposit being made, the Tribunal shall transfer the same to the savings bank account of the appellant / claimant through RTGS, within a period of one week thereafter.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gbi

To

1.The Judge,
Motor Accident Claims Tribunal,
III Court of Small Causes,
Chennai.

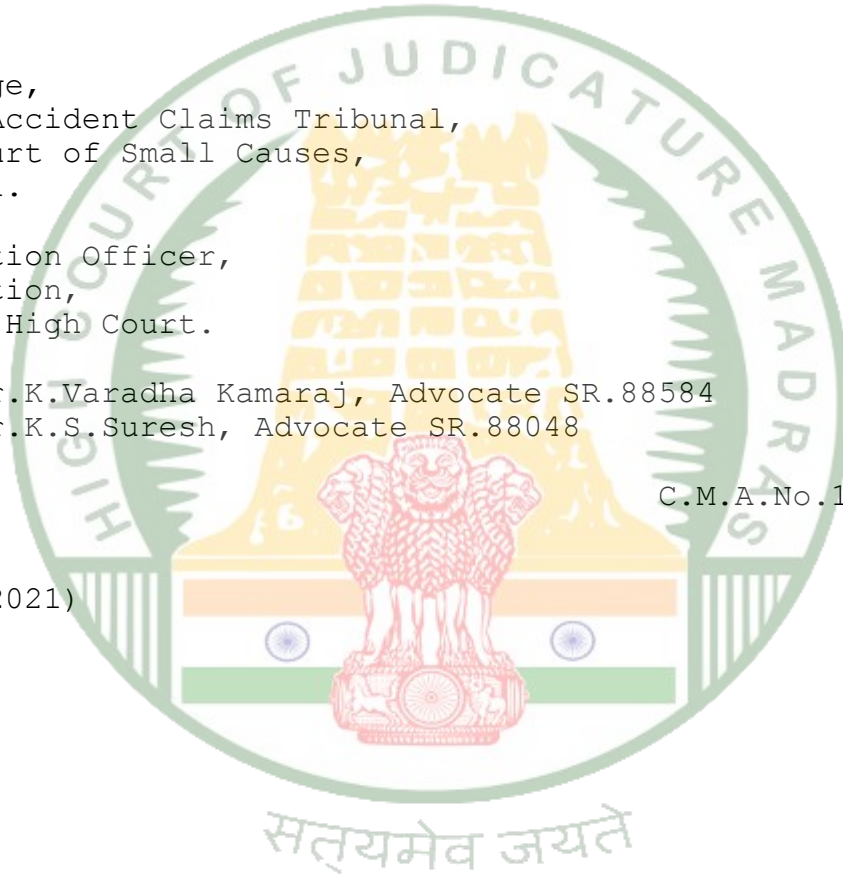
2.The Section Officer,
VR Section,
Madras High Court.

+1cc to Mr.K.Varadha Kamaraj, Advocate SR.88584

+1cc to Mr.K.S.Suresh, Advocate SR.88048

C.M.A.No.1440 of 2016

MP (CO)
CB (25/03/2021)



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