

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2350 of 2013

The Managing Director,
Tamil Nadu State Transport Corp. Ltd.,
Coimbatore Division, Erode. ...Appellant

Vs.

1.K.Kumara Raja
2.Murugesan ...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 17.01.2013 passed in MCOP.No.89 of 2012 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Erode.

For Appellant : Mr.S.V.Vasanth Kumar
For Respondents : Mr.V.S.Kesavan for R1
No appearance for R2

J U D G M E N T

The Managing Director, Tamil Nadu State Transport Corporation has filed the present appeal against the orders dated 17.01.2013 passed in MCOP.No.89 of 2012 by the Chief Judicial Magistrate / Motor Accident Claims Tribunal, Erode.

2. The first respondent / claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.20,00,000/- for the injuries sustained by him in a road accident on 24.09.2011.

3. The case of the claimant is that on 24.09.2011, he was riding his two wheeler bearing Registration No.TN 33 N 9540 along Sathy road, Erode, and at about 06.30 hours, a speeding bus bearing Registration No.TN 33 N 1652 belonging to the present appellant hit the two wheeler from behind, as a result of which, he sustained grievous injuries all over his body. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the appellant / Tamil Nadu State Transport Corporation was the cause of the accident and therefore they are liable to pay compensation.

4. The learned Chief Judicial Magistrate / Motor Accident Claims Tribunal, Erode after analysing the evidence on record, awarded a compensation of Rs.13,40,000/- together

with interest at the rate of 9% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the Managing Director, Tamil Nadu State Transport Corporation has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.S.V.Vasantha Kumar, learned counsel appearing for the appellant and Mr.V.S.Kesavan, learned counsel appearing for the first respondent. No appearance on behalf of the second respondent.

6. In the claim petition, it is contended that the claimant was aged 27 years on the date of the accident and was working as an Accountant in a private concern at Erode, earning a sum of Rs.20,000/- per month. A perusal of the medical records shows that his right arm was amputated and Dr.K.Periyasamy (PW2) assessed the partial permanent disability as 75%. The Tribunal fixed the disability as 50% and awarded a sum of Rs.13,40,000/- to the claimant together with interest at the rate of 9% per annum. By no stretch of imagination, the award passed by the Tribunal can be said to be exorbitant and in the facts and circumstances of the present case, the appeal fails and is dismissed.

7. In the result,

- (i) The Civil Miscellaneous Appeal is dismissed. No costs.
- (ii) The orders passed by the Tribunal is upheld.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Motor Accidents Claims Tribunal,
The Chief Judicial Magistrate Court,
Erode.

2. The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr.V.S.Kesavan, Advocate, S.R.No. 92907

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CNR (CO)

GN (16/09/2020)

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