

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2019

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THE HONOURABLE MRS. JUSTICE R. HEMALATHA

C.M.A.No.3020 of 2013
and M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore ...Appellant/Respondent
Vs.

P.Shanmuga Sundaram ...Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the judgement and decree made in MCOP No.908 of 2010 on the file of the Motor Accidents Claims Tribunal, 1st Additional District Court, Tirupur, dated 06.09.2012.

For Appellant : Mr.S.V.Vasantha Kumar

For Respondent : Mr.V.Kumaravel

J U D G M E N T

The appellant/Managing Director, Tamil Nadu State Transport Corporation Limited, Coimbatore is the respondent in M.C.O.P.No.908 of 2010 on the file of the 1st Additional District Judge/Motor Accident Claims Tribunal, Tiruppur. The respondent/claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.22,00,000/- for the injuries sustained by him in a road accident on 26.06.2010.

2. The case of the claimant is that on 26.06.2010 at about 12.10 hours when he was walking on Karamadai Road a speeding bus bearing Registration No.TN 43 N 0383 belonging to the appellant hit him, as a result of which he sustained grievous injuries all over his body. The further contention of the claimant is that he was a Weaver by profession earning a sum of Rs.6,000/- per month and on account of the accident, he is unable to continue

his profession as a Weaver and therefore, prayed for compensation of Rs.22,00,000/- from the appellant.

3. The appellant contested the claim petition. The learned 1st Additional District Judge, Tiruppur, after analysing the entire evidence on record awarded compensation of Rs.12,68,359/- together with interest at the rate of 7.5.% per annum to the claimant. Aggrieved over the quantum of compensation awarded by the Tribunal the appellant has filed the present appeal.

4. Mr.S.V.Vasantha Kumar, learned counsel appearing for the appellant would contend that the award passed by the Tribunal is exorbitant and therefore the same needs to be scaled down.

5. In the instant case, the claimant sustained a fracture on the right side of his chest ribs (1,2,3,4,5) and 7th rib of his left side chest. He also sustained a fracture on his lower jaw and lost a tooth also. Doctor Mr.Senthil Kumar (P.W.3) had assessed the permanent disability of the claimant as 87.2%. The Tribunal after considering the discharge summaries (Exs.A2 to A6) and disability certificate (Ex.A10) had fixed the disability of the victim as 70% and adopted multiplier of 18, since the victim was aged 27 years on the date of the accident. The claimant has also adduced the medical bills to the tune of Rs.4,12,959/- as evidenced by Ex.A8 series. The Tribunal had awarded a sum of Rs.12,68,359/-, together with interest at the rate of 7.5% per annum to the claimant. By no stretch of imagination, the award passed by the Tribunal can be said to be on the higher side.

6. In the facts and circumstances, I do not see any reason to interfere with the findings of the trial Court. Therefore, the decree and judgment passed in M.C.O.P.No.908 of 2010 dated 06.09.2012, on the file of the 1st Additional District Judge/Motor Accident Claims Tribunal, Tiruppur is upheld.

7. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

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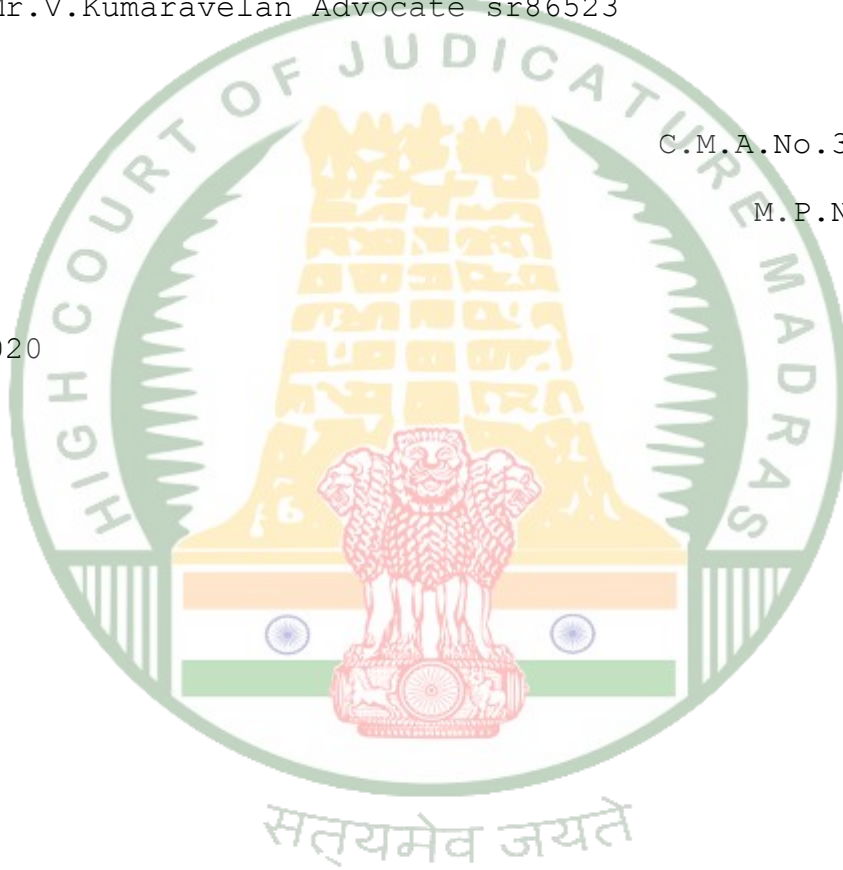
1. The 1st Additional District Judge,
Tirupur.

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

+1 cc to Mr.V.Kumaravelan Advocate sr86523

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