

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2132 of 2009

and

M.P.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Villupuram Division III,
Kancheepuram.

... Appellant/Respondent

Vs.

V.Gopal

... Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 14.02.2008 made in M.C.O.P.No.61 of 2004 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court No.V, Chengalpattu, Tiruvallur.

For Appellant : Mr.S.V.Vasantha Kumar

For Respondent : Mr.A.R.Suresh

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant/Transport Corporation against the award of a sum of Rs.40,000/- to the respondent/claimant for the injuries sustained by him in a motor vehicle accident.

2.The facts of the case are that on 19.12.2003 at about 8.30a.m., the respondent/claimant along with Raj travelled in a Route bus bearing Regn.No.TN21 N 0313 belonging to the appellant Transport Corporation from Tiruvallur to Avadi and when the bus was nearing Kakkalur Estate Entrance Gate, the driver of the bus drove it in a rash and negligent manner and dashed against a stationed lorry. Due to the said impact, the respondent/claimant sustained grievous injuries, for which, he filed a claim petition claiming a sum of Rs.1,50,000/- as compensation.

3.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 hence, directed the appellant/Transport Corporation to pay a sum of Rs.40,000/- as compensation to the respondent/claimant. Aggrieved over the same, the appellant /Transport Corporation has come out with the present appeal.

4.The learned counsel appearing 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.40,000/- awarded by the Tribunal is excessive and exorbitant for the injuries sustained by the respondent/claimant.

5.Per contra, the learned counsel appearing for the respondent/claimant submitted that the Tribunal, after considering the oral and documentary evidence in a proper perspective, has awarded the compensation, which is fair, just and reasonable and the same warrants no interference at the hands of this Court.

6.Heard both sides and perused the records.

7.There is no dispute with regard to the liability of the Transport Corporation to pay compensation to the respondent/claimant.

8.As regards the quantum of compensation awarded by the Tribunal, PW1/respondent/claimant deposed that he was earning a sum of Rs.170/- per day by working as a mason and due to the injuries sustained in the accident, he could not do his work as before. P.W.2/Doctor deposed that the respondent/claimant sustained fractures in his knees and ankle and also injuries in all over the body. The doctor assessed the disability of the respondent/claimant at 35% and issued Ex.P7 disability certificate. Considering those oral and documentary evidence and taking note of the nature of the injuries sustained by the respondent/claimant, the Tribunal has rightly awarded a sum of Rs.20,000/- towards injuries, Rs.5,000/- towards treatment and other expenses and Rs.15,000/- towards pain and suffering, which this Court is not inclined to interfere.

9.In such view of the matter, this Civil Miscellaneous Appeal is dismissed, thereby confirming the judgement and decree passed by the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed. The appellant/Transport Corporation is directed to deposit the award amount along with interest and costs, 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 shall transfer the same to the savings bank account of the respondent/claimant through RTGS, within a period of one week thereafter.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

Gbi

To

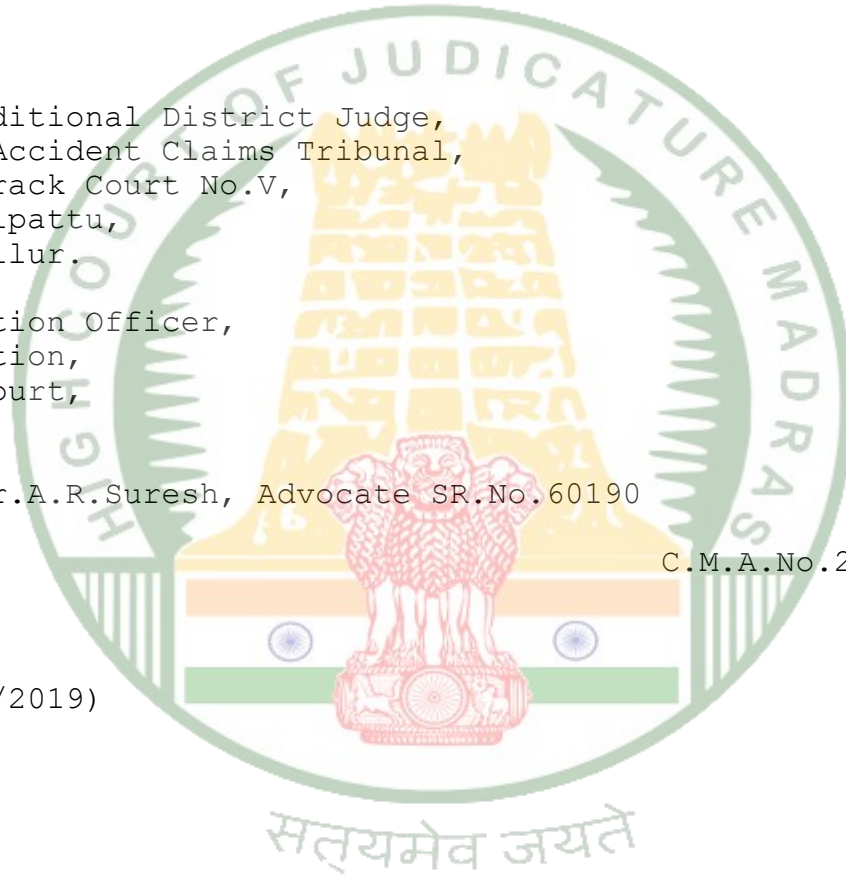
1. The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court No.V,
Chengalpattu,
Tiruvallur.

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

+1cc to Mr.A.R.Suresh, Advocate SR.No.60190

C.M.A.No.2132 of 2009

NRL (CO)
GMY (18/11/2019)



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