

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CMA.NO.1756 OF 2014

Anbu Ravikumar

... Appellant/Claimant

.Vs.

The Managing Director,
Tamilnadu State Transport Corporation,
(Division - 1),
Villupuram.

... Respondent/Respondent

PRAYER:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 10.01.2014 passed in MCOP.No.149 of 2007 on the file of the Motor Accident Claims Tribunal / Sub Court, Madurantagam.

Appellant : Mr.K.Govi Ganesan

Respondent : Mr.K.J.Sivakumar

JUDGMENT

The appellant is the claimant in MCOP.No.149 of 2007 on the file of the Motor Accident Claims Tribunal/Sub Court, Madurantagam. He filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 praying to award a compensation of Rs.10,00,000/- for the injuries sustained by him in a road accident on 18.01.2006.

2. The case of the claimant in nutshell is as follows:

On 18.01.2006, when the claimant attempted to alight the bus bearing Registration No. TN 32 N 2082 at Sothupakkam bus stand, the driver of the bus started moving the bus rashly and negligently, as a result whereof, he fell down and sustained injuries all over his body.

3. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration No.TN 32 N 2082 belonging to the respondent/Tamilnadu State Transport

Corporation was the cause of the accident and therefore, they are liable to pay compensation.

4. The learned Subordinate Judge/Motor Accidents Claims Tribunal, Madurantagam after analysing the evidence on record, awarded a compensation of Rs.86,025/- together with interest at the rate of 7.5% per annum to the claimant. Not being satisfied with the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. In the appeal grounds, it is mentioned that the Tribunal has awarded a very meagre amount of Rs.86,025/-, especially, when the claim petition was filed seeking compensation of Rs.10,00,000/-. However, Mr.Govi Ganesan, learned counsel appearing for the appellant/claimant restricted his arguments only to the compensation awarded under the head "pain & sufferings". His specific contention is that the Tribunal has awarded meagre amount of Rs.15,000/- towards pain & sufferings and the same is liable to be enhanced.

6. Per contra, Mr.K.J.Sivakumar, learned counsel appearing for the respondent/Tamilnadu State Transport Corporation contended that the Tribunal after considering the nature of injuries sustained by the claimant had awarded a just compensation of Rs.15,000/- towards pain & sufferings and therefore, the same need not be enhanced.

7. It is pertinent to point out that the discharge summary and prescription issued by the Doctor have not been marked. However, considering the nature of injuries sustained by the claimant, this Court awards a sum of Rs.20,000/- towards pain & sufferings.

8. The award passed by this Court under various heads is extracted hereunder:

S.No.	Head	Amount granted
1.	Partial Permanent disability	Rs.50,000/-
2.	Pain and sufferings	Rs.20,000/-
3.	Extra nourishment	Rs.5,000/-
4.	Transportation	Rs.5,000/-
5.	Loss of income	Rs.8,000/-
6.	Medical expenses	Rs.3,025/-
Total		Rs.91,025/-

9. Thus, the compensation awarded by the Tribunal is enhanced from Rs.86,025/- to Rs.91,025/- which would carry interest at the rate of 7.5% per annum.

10. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.86,025/- to Rs.91,025/-.

(iii) The appellant/claimant is directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

(iv) The respondent/Tamilnadu State Transport Corporation is directed to deposit the enhanced compensation amount i.e., Rs.91,025/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.149 of 2007 on the file of the Motor Accident Claims Tribunal/Sub Court, Madurantagam within a period of four weeks from the date of receipt of a copy of this order.

(v) On such deposit being made, the appellant/claimant is at liberty to withdraw the same after following due process of law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mtl

To

The Subordinate Judge,
The Motor Accidents Claims Tribunal,
Madurantagam.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.92193
+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.92068

CMA.No.1756 of 2014

TM(CO)
CS/11/09/2020