

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.211 of 2017

K.Krishnan

... Appellant /Claimant

Vs

The Managing Director
Andhra Pradesh State Transport Corporation
Musmushirabad
Hyderabad.

...Respondent/Respondent

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 08.08.2008 made in MCOP No.4085 of 2001 on the file of the Motor Accidents Claims Tribunal / Additional District and Sessions Court, Fast Track Court No.5 at Chennai.

For Appellant : Mr.J.Ramkumar

For Respondent : Ms.G.V.Shoba

JUDGMENT

This appeal is preferred by the appellant/claimant against the award of a sum of Rs.7,000/- towards compensation due to the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 21.02.2001 at about 06.10 hours, the appellant was travelling in the bus bearing Reg.No.TN-23-N-1263. When the bus reached Pennaloor, Sriperumbudur Taluk near E.B., another bus bearing Reg.No.AP-10-Z-7302 belonging to the appellant Transport Corporation, came from the opposite direction in a rash and negligent manner and dashed against the bus in which the appellant was travelling. Due to the said impact, the appellant sustained grievous injuries. The appellant / claimant filed a claim petition before the Tribunal, claiming a sum of Rs.1,00,000/- as compensation. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.7,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant-claimant has filed the present Civil Miscellaneous Appeal for enhancement of compensation.

4.The learned counsel for the appellant /claimant has submitted that the Tribunal has awarded only a sum of Rs.5,500/- towards pain and suffering, not awarding any sum towards transport expenses or nourishment. He also submitted that the Tribunal has simply awarded a total compensation of Rs.7,000/- without awarding any amount towards medical expenses or disability. Stating so, the learned counsel prayed for enhancement of compensation.

5.The learned counsel for the respondent Transport Corporation has submitted that the Tribunal has rightly considered the materials and evidence available on record and has awarded the just, fair and reasonable compensation and hence the same does not require any interference in the hands of this Court.

6.Heard the learned counsel for the appellant and the learned counsel for the respondent Transport Corporation and perused the materials available on record carefully and meticulously.

7.After a thorough analysis of the oral and documentary evidence, the Tribunal has awarded a sum of Rs.500/- towards medical expenses, Rs.5,500/- towards pain and suffering since the injuries are simple in nature and Rs.1,000/- as a consolatory compensation. In this connection, the Tribunal has specifically observed that there is no documentary evidence to prove that the appellant / claimant took leave for a period of three months for the injuries suffered; that loss of earning is not proved; that the appellant has not established that he took continuous treatment. In these circumstances, the Tribunal has awarded the total compensation at Rs.7,000/- with interest at the rate of 7.5% per annum from the date of petition. Since there is no documentary evidence available to prove the contentions raised by the appellant with regard to the injuries and disability, this Court is of the view that the Tribunal has correctly awarded the total compensation at Rs.7,000/- with interest at the rate of 7.5% per annum from the date of petition.

8.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. The respondent Transport Corporation is directed to deposit the compensation with interest, as ordered by the Tribunal, less 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 appellant / claimant shall withdraw the same, on making proper application before the Tribunal.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Additional District and Sessions Court,
Fast Track Court No.5,
Motor Accidents Claims Tribunal, Chennai.

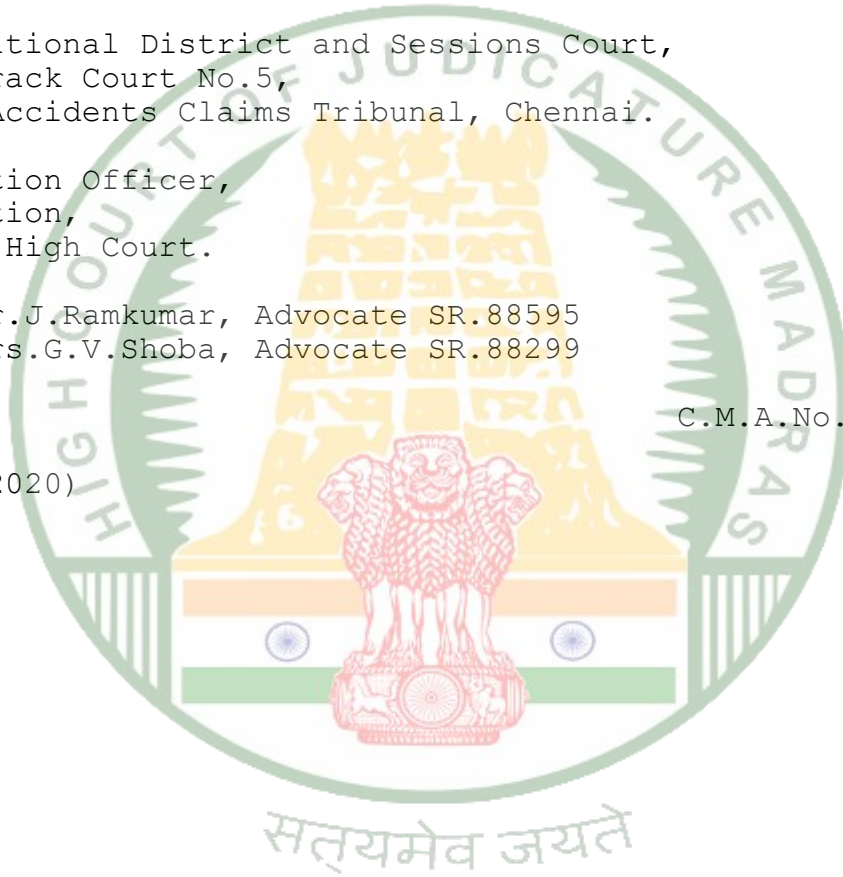
2.The Section Officer,
VR Section,
Madras High Court.

+1cc to Mr.J.Ramkumar, Advocate SR.88595

+1cc to Mrs.G.V.Shoba, Advocate SR.88299

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SJ(CO)
CB(03/03/2020)



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