

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED.14.08.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.1534 of 2013 &
M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Vellore ... Appellant/ Respondent

vs.

Rajeshwari ...Respondent/ Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree passed by the Motor Accident Claims Tribunal, Subordinate Judge, Arani made in MCOP.No.120 of 2005 dated 24.07.2012.

For Appellant : Mr.C.S.K.Sathish

Bata with petition due reg. the sole respondent

JUDGMENT

[This Appeal has been taken up for hearing through Video Conferencing]

This appeal has been filed by the Appellant/Transport Corporation challenging the award dated 24.07.2012 passed by the Motor Accident Claims Tribunal (Subordinate Judge, Arni) in MCOP.No.120 of 2005.

2. The primary ground raised by the Appellant for challenging the impugned award is that the quantum of compensation awarded by the Tribunal to the respondent/claimant is excessive. The details of the compensation awarded by the Tribunal under the impugned award are as follows:

Heads	Award Amount (Rs.)
Loss of income	64,800/-
Pain and suffering	10,000/-
Transportation	2,000/-
Damage to cloth & articles	1,000/-
Total	77,800/-

3. The respondent/claimant was a student studying ninth standard, aged 15 years at the time of the accident. The respondent/claimant sustained bone fractures in the ankle as a result of the accident.

4. Before the Tribunal, the respondent/claimant has filed five documents which were marked as Ex.A1 to Ex.A5 and two witnesses were examined on her side namely the respondent herself as PW1 and the Doctor who examined her as PW2. On the side of the Appellant Transport Corporation, one document was filed and one witness was examined.

5. The Doctor of the respondent has assessed her disability at 40% as per Ex.A4. Before the Tribunal, the respondent had claimed Rs.1,00,000/- as compensation for the injuries sustained by her as a result of the accident. However, the Tribunal has awarded only a sum of Rs.77,800/- as compensation.

6. After giving due consideration to the nature of injuries sustained by the respondent, this Court is of the considered view that the compensation awarded by the Tribunal under the impugned award as indicated earlier in this judgment is a just compensation. This Court does not find any scope for interference to the award.

7. For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Appeal is dismissed. No costs. Consequently connected miscellaneous petition is closed.

8. It is represented by the learned counsel for the Appellant that the entire award amount has already been deposited to the credit of MCOP.No.120 of 2005. Hence, the Tribunal is directed to transfer the award amount along with

accrued interest to the bank account of the respondent through RTGS within a period of two weeks from the date of receipt of a copy of this Judgment.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Motor Accident Claims Tribunal
Arni, Thiruvannamalai District

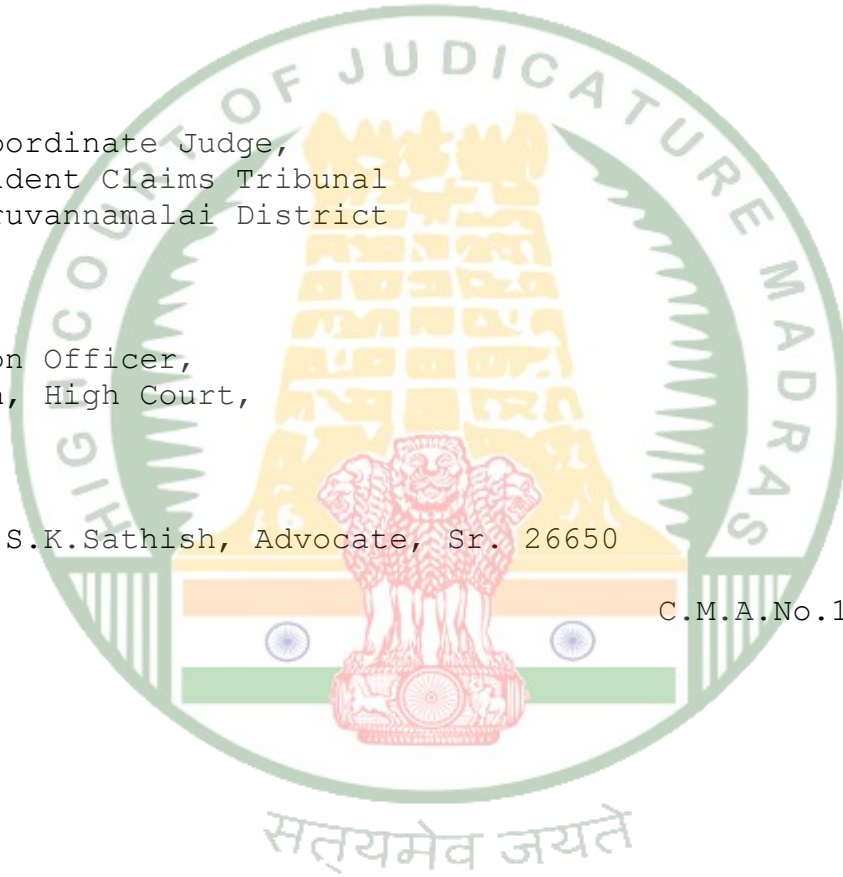
Copy to

The Section Officer,
VR Section, High Court,
Chennai.

1 cc to C.S.K.Sathish, Advocate, Sr. 26650

C.M.A.No.1534 of 2013

VGII (CO)
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