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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.198 of 2011

and

M.P.No.1 of 2011

(Through Video Conferencing)

The Managing Director,
Tamil Nadu State Express Transport Corporation,
Karur Branch, Karur District.

...Appellant/
2nd Respondent

Vs.

1. K.Sujay
2. Ganesan
3. N.Sathishkumar
4. S.Karthikeyan
5. The New India Assurance Company Ltd.,
435, T.P.Road, R.S.Puram,
Coimbatore.

... Respondent/
Petitioner and RR 1,3,4,5

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award and decree in M.C.O.P.No.671 of 2004, dated 06.07.2005, on the file of the Motor Accidents Claims Tribunal, 3rd Additional Sub Judge, Coimbatore.

For Appellant	:	Mr.A.Sundaravadhanan
For Respondents	:	
For R1, R2, R4 & R5	:	Not ready in notice
For R3	:	No appearance

JUDGMENT

The State Transport Corporation is the appellant in this appeal. It is aggrieved by the impugned Judgment and decree dated 06.07.2005 passed by the Motor Accidents Claims Tribunal, (3rd Additional Sub Judge, Coimbatore) in M.C.O.P.No.671 of 2004.

2. By the impugned Judgment and Decree, the Tribunal has



fixed a total compensation of Rs.6,82,221/- to be paid jointly and severally to the first respondent/claimant. The first respondent/claimant was aged about 19 years at the time of accident on 20.03.2001.

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3. The Tribunal has assessed 30% disability based on the disability certificate produced before the Tribunal and based on the evidences of P.W.2-Doctor (M/s.Pushpa Sekar), Ex.P.16-Disability Certificate, Ex.P.7-Discharge Summary and Ex.P.12 Scar Reports.

4. In this appeal, the appellant/State Transport Corporation has questioned the quantum of compensation arrived on the following heads:-

(i) The Tribunal erroneously award Rs.1,00,000/- towards Pain and Sufferings and Mental Agony.

(ii) The Tribunal erroneously award Rs.2,00,000/- for his studies which is on the higher side.

(iii) The Tribunal erroneously award Rs.1,00,000/- for loss of fees in the college which was not proved.

5. There is no representation for the 3rd respondent. Notice on the other respondents namely the 1st, 2nd, 4th & 5th respondents has remained unserved. Though they have been unserved, I take up this appeal for final disposal as no adverse orders are proposed to be passed against them.

6. I have considered the arguments advanced on behalf of the learned counsel for the appellant/State Transport Corporation. I have also perused the impugned Judgment & decree passed by the Tribunal and the evidences on record.

7. The 1st respondent/claimant had undergone treatment for a period of 8 months. He was only 19 years at the time of accident. Considering the same, I find that the compensation awarded by the Tribunal to first respondent/claimant by fixing liability on the appellant/State Transport Corporation along with the other respondents to be fair.

8. I therefore do not find any merits of the present appeal filed by the appellant/State Transport Corporation. Accordingly, this Civil Miscellaneous Appeal is dismissed.

9. The appellant/State Transport Corporation is therefore directed to deposit the award amount together with interest at 7.5% per annum from the date of filing of the claim petition till the date of such deposit, less the amount already deposited if any, within a period of eight weeks from the date of receipt



of the copy of this Judgment.

10. On deposit of the award amount, the 1st respondent/claimant is entitled to withdraw the same together with interest as directed by the Tribunal, less any amount already withdrawn, by filing suitable application before Tribunal. Connected Miscellaneous petition is closed. No cost.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arb

To:

The Motor Accidents Claims Tribunal,
3rd Additional Sub Judge, Coimbatore.

Copy To

The Section Officer
VR Section, High Court

C.M.A.No.198 of 2011
and
M.P.No.1 of 2011

CNR(CO)
PM(06/08/2021)