

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.2921 of 2013

M.Balaraman

... Appellant/Claimant

vs.

Metropolitan Transport Corporation
(Chennai) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai - 600 002.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Decree and Judgment dated 06.04.2013 in M.C.O.P.No.2431 of 2011 on the file of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai.

For Appellant : M/s.P.T.Salim Fathima

For Respondent : Mr.S.Sivakumar

J U D G M E N T

The appellant is the claimant in MCOP.No.2431 of 2011 on the file of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai. He filed the above claim petition under Section 166 of the Motor Vehicles Act, 1988 and Rule 3 of MACT Rules seeking compensation of Rs.16,00,000/- for the injuries sustained by him in a road accident that took place on 21.06.2011.

2. On 21.06.2011, at about 14.15 hours, when the appellant / claimant was walking in Tambaram bus stand, a Metropolitan Transport Corporation bus bearing Registration No.TN 01 N 5700 hit him, due to which, he sustained grievous injuries. The contention of the appellant / claimant is that the accident took place due to the rash and negligent driving of the driver of the said bus. Therefore, he filed the claim petition seeking compensation for the injuries sustained by him.

3. Before the Tribunal, on the side of the appellant / claimant, PW1 and PW2 were examined and Exs.P1 to P8 were marked. On the side of the respondents, RW1 was examined and no documentary evidence was marked.

4. The learned II Judge, Small Causes Court, Chennai after analysing the evidence on record, awarded compensation of Rs.6,20,000/- together with interest at the rate of 7.5% per annum. Not satisfied with the award passed by the Tribunal, the appellant has filed this appeal.

5. The learned counsel appearing for the appellant / claimant submitted that the Tribunal awarded only a meagre sum of Rs.30,000/- towards loss of income. She further submitted that the appellant / claimant sustained major injuries and had also taken long inpatient treatment and the Tribunal without considering the same, awarded only a sum of Rs.20,000/- towards pain and sufferings. She also submitted that the compensation awarded by the Tribunal under extra nourishment, medical expenses, loss of amenities and loss of earning power are also meagre. She therefore prayed for enhancement of compensation.

6. The learned counsel appearing for the respondent submitted that the Tribunal after considering both oral and documentary evidences in a proper perspective, awarded compensation, which is not meagre. The appellant / claimant has not made out any case for enhancement of compensation and prayed for dismissal of the appeal.

7. Heard the learned counsel appearing for the appellant / claimant and respondent and perused the materials available on record.

8. From the materials available on record, it is seen that the appellant / claimant was earning a sum of Rs.10,000/- per month. Due to the accident, he has suffered degloving injury on his left elbow and forearm. A perusal of the award passed by the Tribunal shows that the Tribunal after taking consideration of the Discharge Summary (Ex.P2), out patient treatment record (Ex.P3), copy of medical bills (Ex.P4), Disability Certificate (Ex.P8) and all other relevant records, awarded a total compensation of Rs.6,20,000/- which in the opinion of this Court is not meagre and a just and reasonable compensation. Hence, this Court is not inclined to interfere with the award passed by the Tribunal.

9. In the result, this Civil Miscellaneous Appeal is dismissed. The respondent is directed to deposit the award passed by the Tribunal along with interest and costs, less the

amount already deposited if any, to the credit of MCOP.No.2431 of 2011 on the file of the Motor Accident Claims Tribunal / II Small Causes Court, Chennai within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit, the appellant / claimant is permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Motor Accidents Claims Tribunal,
II Small Causes Court,
Chennai.

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

+1 CC to Mr.M. Swamikannu, Advocate sr 14557.

C.M.A.No.2921 of 2013

VBA (CO)
SP(16/09/2020)

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