

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.11.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.2392 of 2015
and
M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram 605 602.

...Appellant/2nd Respondent

Vs

1.C.Ekambaram
2.Thilligovindan

...Respondents/ Petitioner
and first Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 11.01.2013 made in M.C.O.P.No.4 of 2011 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Chidambaram.

For Appellant : Mr.C.S.K.Sathish
For Respondents : M/s.T.Gobinath for R1
No Appearance for R2

J U D G M E N T

(This case has been heard through Video Conferencing)

The appeal is filed against the award of the Tribunal. The appellant is the Transport Corporation.

2. As per the claim petition, on 19.07.2008, when he alighted from the Transport Corporation bus at Muttam bus stop through the rear exit, the driver of the bus, without noticing the claimant unloading the rice bag, reversed the vehicle. Hence, the claimant fell from the vehicle and the rear wheel of the vehicle ran over the claimant.

3. In the accident, the right leg of the claimant got crushed and he was taken to the Government Hospital and thereafter, shifted to R.M.M.C.H, Annamalai Nagar, Chidambaram. He was treated as inpatient in two spells from 19.07.2008 to

10.01.2009 and 12.02.2009 to 04.03.2009. The claim petition for a sum of Rs.5,00,000/- was filed.

4. The Tribunal, on considering the Disability Certificate and medical records, has awarded a sum of Rs.2,64,000/- with 7.5% interest per annum from the date of petition till the date of realisation.

5. In this appeal, the Transport Corporation has questioned the quantum of compensation on the ground that the income of the claimant has been fixed highly at the rate of Rs.6,000/- per month without any evidence and the disability fixed at 40% is also on the higher side.

6. Learned counsel for the respondent/claimant would submit that the compensation awarded by the Tribunal is just, since the claimant had been in hospital for nearly six months and still continue to take treatment for the fracture of his right leg and hip. The negligence on the bus driver accepted and also proved through F.I.R and police report. Hence, requires no interference.

7. On perusing the evidence adduced by the claimant and marked as Ex.P1 to Ex.P18, this Court finds that there is no error in appreciation of the evidence by the Tribunal. On proper appreciation of the evidence, the Tribunal has fixed compensation of Rs.2,64,000/- for the right leg fracture and hip for which the claimant had been in hospital in three spells for about six months. Hence, this Court finds no merit in the appeal. Hence, the Civil Miscellaneous Appeal is dismissed.

8. The appellant is directed to deposit the money as per the award of the Tribunal within eight weeks from today. On such deposit, the claimant is entitled to withdraw the money on application. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

vri

To

The Motor Accidents Claims Tribunal,
Sub Court,Chidambaram.

Copy to:

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

CMA No.2392 of 2015

A.SK(23.02.2021)