



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A. (MD)No.1074 of 2018

and

C.M.P. (MD)No. 11079 of 2018

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The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Branch,
Ulaganeri, Madurai.

... Appellant/Respondent

vs.

V.Akkinipandi

... Respondent/Petitioner

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree made in M.C.O.P.No.629 of 2016 dated 20.08.2018 on the file of Motor Accidents Claims Tribunal, Special Sub Court, Madurai.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.K.Kumaravel

JUDGMENT

In a road accident involving a lorry and a bus belonging to the State Transport Corporation/appellant herein, the driver of the lorry suffered certain injuries to his back. He laid a Claim Petition. It was proved that he suffered 30% disability. The Tribunal has awarded Rs.4000/- for every percentage of disability. In all, the Tribunal has passed an award of Rs.2,94,000/- payable with interest at 7.5% per annum. Aggrieved by the same, the State Transport Corporation approached this Court.

2. The learned counsel for the appellant strongly and strenuously argued that the Tribunal has been far too charitable and was unduly magnanimous in granting compensation of Rs.4,000/- for every percentage of disability. As per the authority cited in **National Insurance Company Ltd., vs. G.Ramesh** [2013 2 TNMAC 583] only Rs.3,000/- is liable to be paid. He also stated that First Information Report is only laid against the claimant.

3. Heard the learned counsel for the appellant and the respondent.

4. This Court is plainly not impressed with the efforts of the learned counsel for the appellant on three grounds:

(a) so far as the ground on negligence is concerned, the driver of the bus (offending vehicle) has lodged the First Information Report, and it is a self serving statement and the Court cannot consider the same; and



(b) secondly, mere First Information Report without anything more does not amount to proof;

5. So far as the quantum of compensation awarded is concerned, it is seen that the victim has suffered some injuries to his back and it should not be forgotten that he is the driver of a heavy vehicle and 30% disability in this case must be understood is one that would lead to functional disability, and the Transport Corporation is only too fortunate that the claimant does not claim any compensation on the ground of functional disability. In all, this Court does not find any merit in this appeal and the same is dismissed.

6. The learned counsel for the Transport Corporation submitted that the Transport Corporation has already deposited Rs.2,50,000/- before the Execution Court.

7. The balance amount shall be deposited within period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is entitled to withdraw the entire amount or such part of the amount that remained to be withdrawn.

8. In the result, this Civil Miscellaneous Appeal is dismissed confirming the award of the and decree made in M.C.O.P.No.629 of 2016 dated 20.08.2018 on the file of Motor Accidents Claims Tribunal, Special Sub Court, Madurai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

Cm

To

1.The Judge, The Motor Accidents Claims Tribunal,
Special Sub Court, Madurai

2.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)

+1 CC to Mr.P.PRABHAKARAN, Advocate SR.No.24076

+1 CC to Mr.K.KUMARAVEL, Advocate SR.No. 24062

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