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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.2.2021

CORAM:

THE HON'BLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Miscellaneous Appeal No.2775 of 2008

M.Kumaresan

... Appellant/Petitioner

..Vs..

The Managing Director
Tamil Nadu State Transport Corporation,
(VPN) Ltd., P.A.T.C. Vellore Region,
Vellore - 600 009.

... Respondent/Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and decree dated 17.02.2006 made in M.C.O.P.No.503 of 1995 on the file of Sub Court (Motor Accidents Claims Tribunal), Dharmapuri.

For Appellant : Mr.V.Kumaravelan

For Respondent : Mr.K.J.Shivakumar

JUDGMENT

Brief facts of the claimant's case is as follows:

On 24.08.1995 at about 4.45 p.m., while the appellant was riding a bicycle with Milk Cane at left side of Arur - Uthangarai main road, near Anna Nagar, a bus belonging to the respondent Corporation coming from Uthangarai driven by its driver in a rash and negligent manner, hit the bicycle, thereby caused accident resulting in the appellant fell down from the bicycle and sustained grievous injuries. The appellant has filed a claim petition before the Tribunal, claiming Rs.75,000/- for the injuries sustained by him.



3 On the side of the petitioner, P.W.1 was examined and Ex.P1 to P7 were marked. No witness was examined or any document marked on the side of the respondent. The Tribunal, based on the oral and documentary evidence, came to the conclusion that due to rash and negligent driving of the bus, the accident was occurred and awarded Rs.10,000/- towards injuries sustained by the appellant in the accident along with interest at the rate of 7.5% p.a from the date of petition till realization.

4. Dissatisfied with the award passed by the tribunal, the claimant has preferred the present appeal for enhancement of compensation.

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

6. According to the learned counsel appearing for the claimant/ appellant, tribunal has not awarded anything for pain and sufferings and various other heads and therefore, seeks enhancement.

7. Considering the oral and documentary evidence, the tribunal has come to the conclusion that the due to rash and negligent driving on the part of the driver of the bus, accident occurred. Therefore, there is no dispute regarding negligence on the part of the driver of the bus belonging to the respondent/ Transport corporation. The contention of the appellant is that the tribunal has awarded just Rs.10,000/- as compensation for the injuries which is not adequate. Further, according to the counsel for the appellant, tribunal has not awarded any amount for pain and suffering and other heads. A perusal of the award shows that tribunal has stated that no medical bills were placed on record and no other materials were placed on record before the tribunal for awarding compensation under various heads.

8. Therefore, this Court is of the considered view that the appellant is entitled for consolidated amount of Rs.30,000/- including interest. The compensation awarded by the tribunal is modified to the aforesaid extent. Except the above modification, the award passed by the tribunal is confirmed.

9. The respondent/Transport Corporation is directed to deposit the consolidated amount of Rs.30,000/- before the tribunal within a period of six weeks from the date of receipt of copy of judgment. On such deposit being made by the respondent/Transport Corporation, the claimant/appellant is



entitled to withdraw the amount by filing appropriate application.

10. In fine, the Civil Miscellaneous Appeal is partly allowed to the aforesaid extent. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vaan

To

1.The Motor Accidents Claims Tribunal
The Sub Court , Chennai

Copy to:

The Section Officer,

V.R.Section, Madras High Court, Chennai-104.

+1cc to Mr.K.J.Siva Kumar, Advocate, S.R.No.12403

+1cc to Mr.V.Kumaravelan, Advocate, S.R.No.12427

Civil Miscellaneous Appeal
No.2775 of 2008

PVS(CO)
CB(30/09/2021)