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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.M.A. No.1688 of 2013

Arumugam

..Appellant/Petitioner

Versus

1. F.Ameertheen

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road, Salem. ..Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 15.09.2010 made in MCOP No.249 of 2008 on the file of MACT/Sub Court at Bhavani.

For appellant : Mr.Ma.P.Thangavel

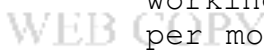
For respondents
for R2 : Mr.D.Raghu

J U D G M E N T

The appeal is heard through video conferencing.

2. Challenging the dismissal order passed by the Motor Accident Claims Tribunal/Sub Court, Bhavani, in MCOP No.249 of 2008, dated 15.09.2010, the present appeal has been filed by the claimant seeking compensation.

3. It is the case of the appellant/claimant that on 02.10.2007 at about 1 p.m., the claimant was travelling in the second respondent-TransportCorporation Bus, bearing Registration No.TN-30-0468 from Coimbatore to Salem. When the said Bus was nearing Chithode Four Road, the driver drove it in a rash and negligent manner in a speed breaker, as a result of which, he was thrown out of the vehicle and the claimant sustained grievous injuries all over his body. Immediately, the claimant was admitted in Thanvandri Hospital and he took treatment and for further treatment, he was admitted in Erode Trust Hospital.

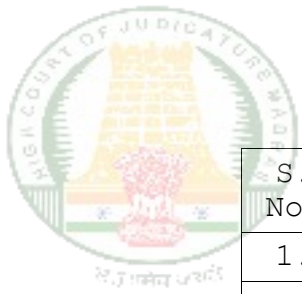


4. It is the further case of the claimant that he was working as a carpet manufacturer and earning a sum of Rs.4,000/- per month. Hence, he made a claim for a sum of Rs.2,00,000/- as compensation.

6. In order to prove the claim on the side of the claimant, the claimant examined himself as PW1, besides examining two other witnesses as PWs.2 & 3 and marked Exs.P1 to P11. On the side of the Transport Corporation, neither any oral evidence nor documentary evidence was adduced.

8. Now, it is the submission of the learned counsel for the appellant that while the driver of the Transport Corporation Bus drove the vehicle in a rash and negligent manner, the deceased was thrown out of the vehicle and sustained injuries. The claimant examined himself as PW1 and proved the manner of the accident, however, the Transport Corporation has not examined anyone to disprove the same.

10. Further, considering the fact that the claimant was working as a Carpet Manufacturer and also taking note of the cost of living prevailing at the time of the accident, a sum of Rs.4,000/- may be fixed as monthly income of the claimant. Since the claimant could not attend any work for six months, "Loss of Income" may be calculated for six months. Further, amounts under other conventional heads may also be awarded.



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S. No.	Heads under which amounts are awarded	Amount in Rs.
1.	Permanent Disability	52,000
2.	Loss of Income	24,000
3.	Pain and Suffering	10,000
4.	Transportation Expenses	5,000
5.	Extra Nourishment	10,000
6.	Attender Charges	10,000
7.	Loss of Amenities	5,000
8.	Medical Bills as per Exs.P7 & 8	8,828
	Total	1,24,828 (rounded off to Rs.1,25,000/-)

19. Accordingly, the appeal filed by the claimant is partly allowed. The second respondent/Transport Corporation is directed to deposit the amount awarded by this Court, i.e., Rs.1,25,000/- (Rupees one lakh and twenty five thousand only) with 7.5% interest p.a. from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit of the amount by the second respondent/Transport Corporation, the appellant/claimant is permitted to withdraw the same before the Tribunal. No costs.

Sd/-

Deputy Registrar(Spl Cell-CJ Conf)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Sub Court at Bhavani/
The Motor Accident Claims Tribunal
2. The Section Officer,
V.R.Section, High Court, Madras.

+1cc to M/s.Ma.Pa.Thangavel, Advocate, S.R.No.30153

+1cc to M/s.D.Raghu, Advocate, S.R.No.30090

C.M.A. No.1688 of 2013

RP(CO)

RGA(18/11/2021)