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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1946 of 2016

and

C.M.P.No.14159 of 2016

The Managing Director,
T.N.S.T.C. (Salem) Limited,
Division-II, Bharathipuram, Salem.

... Appellant/Respondent

..Vs..

C.Zafiullah

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Decree and the Judgment dated 17.12.2013 made in MCOP.No.680 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Judge, Krishnagiri.

For Appellant : Mr.D.Venkatachalam

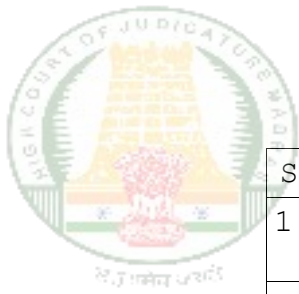
For Respondent : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the Award dated 17.12.2013 passed by the Motor Accident Claims Tribunal (Sub Judge, Krishnagiri) in MCOP.No.680 of 2009.

2. The Appellant Transport Corporation has challenged the impugned award on the ground that the quantum of compensation awarded by the Tribunal is excessive.

3. The Tribunal has directed the Appellant Transport Corporation to pay a sum of Rs.96,500/- together with interest and cost to the respondent/claimant as detailed hereunder:



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Sl.No.	Particulars	Amount (Rs.)
1	Disability (20 x 3000)	60,000/-
2	Pain and sufferings	10,000/-
3	Extra nutrition	10,000/-
4	Medical expenses & Transportation	10,000/-
5	Loss of Income during convalescence	4,500/-
6	Attendant Charges	2,000/-
	Total	96,500/-

4. Heard Mr.D.Venkatachalam, learned counsel for the Appellant. There is no representation on the side of the respondent. Since no adverse orders are going to be passed against the respondent, the appearance of the respondent is unnecessary.

5. The accident happened in the year 2008. In this appeal, the appellant Transport Corporation has not challenged its liability but has only challenged the quantum of compensation awarded by the Tribunal. This Court does not find any infirmity in the compensation awarded by the Tribunal under various heads.

6. Only in accordance with Ex.P3-disability certificate, the disability of the respondent/claimant was fixed at 20% by the Tribunal. No contra evidence was also produced by the Appellant Transport Corporation before the Tribunal to disprove the said disability. The accident happened in the year 2008 and the Tribunal has fixed the disability compensation at Rs.60,000/- calculated at Rs.3,000/- per percentage of disability which in the considered view of this court cannot be considered to be excessive.

7. Similarly, the compensation awarded by the Tribunal toward pain and suffering at Rs.10,000/-, Extra nutrition at Rs.10,000/-, Medical Expenses & Transportation at Rs.10,000/-, Loss of Income during convalescence at Rs.4,500/- and Attendant charges at Rs.2,000/- cannot also be considered to be excessive as alleged by the Appellant Transport Corporation. Therefore, the total compensation awarded by the Tribunal to the respondent/claimant at Rs.96,500/- cannot be considered to be excessive as alleged by the Appellant.



8. For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Civil Miscellaneous Appeal shall stand dismissed. The Appellant Transport Corporation is directed to deposit the entire award amount along with interest and costs as assessed by the Tribunal after deducting the amount already deposited if any to the credit of MCOP.No.680 of 2009 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.680 of 2009 to the bank of the respondent claimant through RTGS within a period of one week thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Judge,
Motor Accident Claims Tribunal,
Krishnagiri
2. The Section Officer
V.R.Section, High Court,
Madras.

+lcc to Mr.D.Venkatachalam, Advocate, S.R.No.22153

C.M.A.No.1946 of 2016

RGN(CO)
HS(16/09/2021)