



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.2.2021

CORAM:

THE HON'BLE Mr.JUSTICE D.KRISHNAKUMAR

Civil Miscellaneous Appeal No.70 of 2013
M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram (Division) Ltd.
Villupuram.

... Appellant/Respondent

..Vs..

Perumal

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and decree dated 10.4.2012 made in M.C.O.P.No.3182 of 2008 on the file of Additional Subordinate Judge No.1 (Motor Accidents Claims Tribunal) Cuddalore.

For Appellant : Mr.C.S.K.Sathish

For Respondent : Notice unserved

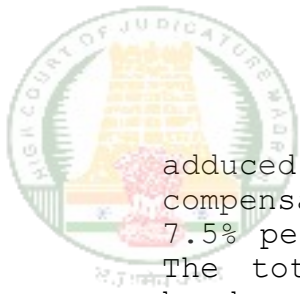
JUDGMENT

Brief facts of the case is as follows:

On 9.09.2008 at about 2.00 p.m., while the petitioner was proceeded in his bicycle on the left side of the Cuddalore - Panruti main road, near Karamanikuppam Vellagate, the respondent Transport Corporation bus bearing registration No.TN-23-N 1670 was driven by its driver in a rash and negligent manner without observing traffic rules and regulations hit behind the petitioner thereby caused accident, resulting in the petitioner sustained grievous injuries all over the body. The petitioner was admitted in Government hospital, Cuddalore and had taken treatment as inpatient. Therefore, the petitioner has filed the instant claim petition claiming Rs.5,00,000/- as compensation from the respondents.

2. On the side of the claimants, P.W.1 & 2 were examined and Ex.P1 to P7 were marked. On the side of the respondent, R.W.1 was examined and Ex.R1 was marked.

3 Tribunal, based on the oral and documentary evidence



adduced by both sides, has awarded a sum of Rs.1,03,560/- as compensation to the claimants along with interest at the rate of 7.5% per annum from the date of claim petition till realization. The total compensation awarded by the tribunal under various heads are as follows:

Heads	Compensation awarded by the tribunal in Rs.
Permanent Disability 12%	34,560/-
Pain & Suffering	25,000/-
Loss of income for 2 months	4,000/-
Medical expenses	10,000/-
Transportation	10,000/-
Extra Nourishment	20,000/-
Tota	1,03,560/-
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4. Challenging the said award, Transport Corporation has filed the present appeal both against the liability as well as the quantum of compensation awarded by the tribunal.

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

6. Based on the oral and documentary evidence, the tribunal has come to the conclusion that the claimant sustained grievous injuries due to rash and negligent act on the part of the driver of the appellant Transport Corporation bus and awarded Rs.1,03,560/- as compensation for the injuries sustained by him. According to the counsel appearing for the appellant/Transport Corporation, the quantum of compensation awarded by the tribunal under various heads are excessive and there is no evidence to grant such higher amount to the respondent/claimant.

7. On perusal of the award passed by the tribunal disclose that the tribunal elaborately discussed the issues and assessed 12% disability suffered by the petitioner/respondent and awarded a sum of Rs.34,560/- towards disability and the tribunal also awarded just and fair compensation to the claimant under various heads which totally comes to Rs.1,10,560/-. Therefore, there is no merit in the appeal to interfere with the award passed by the tribunal.

8 The appellant/Transport Corporation is directed to deposit the entire compensation amount before the tribunal along with interest at the rate of 7.5% p.a. within a period of 12



weeks from the date of receipt of copy of the judgment, after deducting the amount if any, already deposited before the tribunal.

9. Consequently, the appeal stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Motor Accidents Claims Tribunal
The Additional Subordinate Judge No.1
Cuddalore.

2.The Section Officer,
V.R.Section, Madras High Court,
Chennai-104.

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SRA(CO)
CB(15/09/2021)