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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.264 of 2016

and

CMP No.2158 of 2016

Tamil Nadu Transport Corporation (VPM) Ltd.,
Rep. By its Managing Director,
No.3/137, Salamedu,
Vazhudhareddy,
Villupuram - 605 602.

...Appellant / Respondent

Versus

D. Sekar

...Respondent / Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree passed by the Motor Accident Claims Tribunal, Chennai (in the VI Court of Small Causes, Chennai) in MCOP No.1001/2010, dated 23.06.2015 for awarding compensation.

For Appellant	: Mr.K.J.Shivakumar
For Respondent	: not ready notice

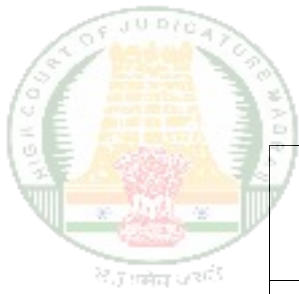
JUDGMENT

(Heard Video Conference)

This appeal has been filed by the Transport Corporation challenging the award dated 23.06.2015 passed by the Motor Accident Claims Tribunal, (VI Court of Small Causes, Chennai) in MCOP No.1001/2010.

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

3. The Tribunal under the impugned award has directed the appellant / Transport Corporation to pay the respondent / claimant a compensation of Rs.3,00,000/- together with interest and costs as detailed hereunder :



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Heads	Amount awarded by the Tribunal (Rs.)
Transportation, nourishing food and miscellaneous expenditure	25000
Attender charges	10000
Medical expenses	5000
Disability	165000
Loss of earning during the period of treatment	45000
Damages for pain, suffering and trauma	25000
Loss of amenities	25000
Total	3,00,000

4. Heard Mr.K.J.Shivakumar, learned counsel for the appellant / Transport Corporation. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

5. This Court has perused the materials and evidence available on record before the Tribunal.

6. The accident happened on 10.02.2010. The respondent / claimant has suffered 55% disability as seen from the disability certificate which has been marked as Ex.P6 before the Tribunal. The nature of injuries sustained by the respondent / claimant has not been disputed by the appellant / Transport Corporation before the Tribunal. The Tribunal has awarded a disability compensation of Rs.1,65,000/- to the respondent / claimant, calculated at Rs.3,000/- per percentage of disability for the 55% disability suffered by him. This Court does not find any infirmity in the said findings.

7. The Tribunal has also awarded a compensation of Rs.25,000/- towards transportation; Rs.10,000/- towards attender charges; Rs.5,000/-towards Medical expenses; Rs.45,000/- towards loss of earning during the period of treatment; Rs.25,000/-towards damages for pain, suffering and trauma and Rs.25,000/-towards loss of amenities, which in the considered view of this



Court cannot be treated to be excessive. The respondent / claimant has sustained fracture of left, Fracture of both bones left leg, head injury and multiple injuries all over the body. After giving due consideration for the same, this Court is of the considered view that the overall compensation awarded by the Tribunal under the impugned award does not call for any interference.

8. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9. The Appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP No.1001/2010 on the file of the Motor Accident Claims Tribunal (VI Court of Small Causes), Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondent / claimant through RTGS, within a period of two weeks thereafter.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The VI Judge,
VI Court of Small Causes,
Chennai.

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

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.28959

CMA No.264 of 2016

EV(CO)
SB(15/09/2021)