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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA.No.911 of 2015
and CMP.No.1 of 2015

Metropolitan Transport Corporation Limited,
represented by its Managing Director,
Pallavan House, Anna Salai,
Chennai - 600 002.

... Appellant/Respondent

Vs.

K.S.Muralidharan

... Respondent/Petitioner

PRAYER: This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award made in MCOP.No.1379 of 2007, dated 13.07.2011, on the file of the Motor Accident Claims Tribunal (VI Court of Small Causes) Chennai.

For Appellant : Mr.S.Sivakumar
for Mr.K.S.Suresh

For Respondent : Mr.K.Ponnusamy for
M/s.Anand and Surya

JUDGMENT

(The case has been heard through video conference)

The Transport Corporation is the appellant herein.

2.The claimant, who has suffered injuries in the road transport accident, which took place on 25.10.2006, has filed a petition in MCOP.No.1379 of 2013, on the file of the Motor Accidents Claims Tribunal, VI Court of Small Causes, Chennai, for claiming compensation and the Tribunal has awarded a sum of Rs.1,02,980/- as compensation. As aggrieved against the same,



the Transport Corporation has filed this Civil Miscellaneous Appeal, on the point of quantum.

3.The factum of the accident, manner of the accident rash and negligent driving on the part of the driver of the Transport corporation are not in dispute and hence, finding rendered by the Tribunal is hereby confirmed.

4.Before the Tribunal, during the course of trial, on behalf of the petitioner, he himself was examined as PW1 and Dr.K.J.Mathiazhagan was examined as PW2 and marked Exs.P1 to P13 and on behalf of the respondent one G.S.Padmanaban was examined as RW1 and no documentary evidence has been filed.

5.Heard both the learned counsels on the point of quantum and perused the materials placed on record.

6.On a perusal of the records it is seen that with regard to the injuries sustained, the injured was examined himself as PW1 and Dr.K.J.Mathiazhagan was examined as DW2 and marked discharge summary under Exs.P1 & P2, Ex.P12/disability certificate, Ex.P13/X-ray through PW2/Doctor, further Ex.P6/appointment order, Ex.P7/relieving order and Ex.P8/loss of pay certificate were marked.

7.As per Ex.P1/discharge summary, it appears that disc space between C5 - C6 & C6 - C7 was reduced but there is no indication of fracture. Based upon Ex.P12/disability certificate issued by PW2 and the evidence of the PW2/doctor, the Tribunal has fixed the disability at 30%. The injured is 49 years old and he is an advocate by profession. Taking into consideration the date of the accident viz., on 25.10.2006, the Tribunal has awarded a sum of Rs.2,000/- for one percentage disability and accordingly, a sum of Rs.60,000/- was granted under the head of disability. After going through evidence of PW2, I find that the percentage of disability fixed by the Tribunal appears to be reasonable.

8.In view of the evidence of PW2/Doctor, coupled with documentary evidences viz., Exs.P1 & P2, this Court finds that the compensation awarded by the Tribunal on the other heads appears to be reasonable and hence, the quantum of compensation awarded by the Tribunal cannot be termed as exorbitant and



excessive. On the contrary, it appears to be just and reasonable. Hence, this Court finds that the compensation awarded by the Tribunal in MCOP.No.1379 of 2007 is reasonable.

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9. In view of the above this Civil Miscellaneous Petition is devoid of merits and stands dismissed. No costs. Consequently, connect miscellaneous petition is closed. At this juncture, the learned counsel for the Transport Corporation would submit that the appellant herein/Transport Corporation has already deposited the compensation amount as awarded by the Tribunal.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
The VI Court of Small Causes,
Chennai.

2. The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to M/s. Anand and Suryas, Advocate, S.R.No.21200

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AK(CO)
SB(21/10/2021)