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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.562 OF 2016

AND

CMP.NO.4652 OF 2016

The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Division III,
GWT Road, Ponnerikarai,
Kanchipuram Taluk.

.... Appellant/Respondent

versus

S.Boominathan

.... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree passed by the Motor Accident Claims Tribunal (IV Court of Small Causes, Chennai) in M.C.O.P. No.5977 of 2013, dated 06.04.2015 for awarding compensation.

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

For Respondent : Not ready in notice

JUDGMENT

This appeal has been filed by the Transport Corporation challenging the award dated 06.04.2015 passed by the Motor Accident Claims Tribunal IV Court of Small Causes, Chennai in MCOP No.5977 of 2013.

2. The appellant/Transport Corporation has challenged the award questioning the quantum of compensation awarded by the Tribunal to the respondent/claimant. They have not challenged their liability to pay the compensation but have only challenged the assessment of compensation by the Tribunal.

3. The Tribunal under the impugned award directed the appellant/Transport Corporation to pay the respondent/claimant a compensation of Rs.1,92,000/- together with interests and costs as detailed hereunder :-



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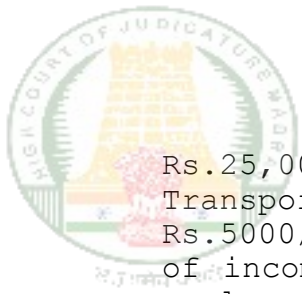
Heads	Amount awarded by the Tribunal (Rs.)
Disability	45000
Pain and suffering	50000
Extra nourishment	25000
Transport to Hospital	25000
Damages to clothes	3000
Medical expenses	5000
Loss of Income	39000
Total	1,92,000

4. Heard Mr.C.S.K.Sathish, learned counsel for the appellant. Since, this Court is going to confirm the award of the Tribunal, service of notice to the respondent is not necessary.

5. This Court has perused and examined the impugned award before the Tribunal.

6. The respondent / claimant sustained injuries as a result of an accident on 19.09.2013 caused by a bus owned by the appellant / Transport Corporation. Before the Tribunal, the respondent / claimant has filed 5 documents which were marked as Ex.P1 to P5 and two witnesses were examined on his side including the respondent / claimant himself as PW1 and the Doctor, who examined him as PW2. The Doctor has assessed the disability of the respondent / claimant at 20% but the Tribunal has assessed the disability at 15% and has awarded a disability compensation of Rs.45,000/- calculated at Rs.3,000/- per percentage of disability. The Tribunal has also observed based on the disability certificate that due to the injuries, the respondent / claimant is having pain and stiffness in his left leg and knee joint and his movements have been restricted. The Tribunal has also observed that the respondent / claimant is having difficulty in walking, climbing steps, sitting cross legs and squatting. After giving due consideration to the year of the accident and the disability, this Court is of the considered view that the assessment of the disability at 15% by the Tribunal and disability compensation of Rs.45,000/- awarded to the respondent / claimant by the Tribunal cannot be considered to be excessive as alleged by the appellant.

7. The Tribunal under the impugned award has awarded a compensation of Rs.50,000/- towards pain and suffering;



Rs.25,000/- towards extra nourishment, Rs.25,000/- towards Transport to Hospital; Rs.3000/- towards damages to clothing; Rs.5000/- towards medical expenses and Rs.39,000/- towards loss of income to the respondent / claimant. Before the Tribunal no oral or documentary evidence has been produced by the appellant / Transport Corporation to disprove the quantum of compensation awarded by the Tribunal under the impugned award.

8. This Court after giving consideration to the materials and evidence available on record is of the considered view that the compensation awarded by the Tribunal to the respondent / claimant under the various heads cannot be considered to be excessive. Hence, the contention of the appellant / Transport Corporation that the quantum of compensation awarded by the Tribunal is rejected by this Court.

9. 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.

10. 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 M.C.O.P. No.5977 of 2013 on the file of the Motor Accident Claims Tribunal (IV 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 VIII)

//True Copy//

Sub Assistant Registrar

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To :

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



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

C.M.A.No.1348 of 2016

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PVS (CO)
CS/26/10/2021