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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.583 and 584 of 2016

and

CMP Nos.4836 and 4837 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kancheepuram Region.

...Appellant in both appeals/Respondent

Versus

1. K.Murugan ...Respondent in CMA No.583 of 2016/ Claimant
2. Chitra ...Respondent in CMA No.584 of 2016

Prayer in CMA No.583 of 2016 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 24.02.2015 made in M.C.O.P. No.3034 of 2011 on the file of the Motor Accidents Claims Tribunal (V Small Causes Court), Chennai.

Prayer in CMA No.584 of 2016 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 24.02.2015 made in M.C.O.P. No.3110 of 2011 on the file of the Motor Accidents Claims Tribunal (V Small Causes Court), Chennai.

For Appellant in both appeals : Mr.K.J.Sivakumar

For Respondent in both appeals : Mr.F.Terry Chella Raja

COMMON JUDGMENT

These appeals have been filed challenging the common award dated 24.02.2015 passed by the Motor Accident Claims Tribunal (V Small Causes Court), Chennai in MCOP Nos.3034 of 2011 and 3110 of 2011.



2. Both these appeals pertain to the very same accident which happened on 16.03.2011 caused by a bus owned by the appellant Transport Corporation which resulted in the respective respondents / claimants sustaining injuries. Since both these appeals arise out of the same accident and arise out of the same impugned award, these appeals are disposed of by a common judgment.

3. Respondent in both Civil Miscellaneous Appeals preferred separate claims in MCOP Nos.3034 of 2011 and 3110 of 2011 before the Motor Accidents Claims Tribunal (V Small Causes Court), Chennai seeking compensation for Rs.6,00,000/- and 9,00,000/- respectively for the injuries sustained by them as a result of the accident. Respondent in CMA No.583 of 2016 is a rider of the motor vehicle and the respondent in CMA No.584 of 2016 is a pillion rider of the motor vehicle /Two wheeler bearing No.TN-20-BU-4804.

4. The Motor Accident Claims Tribunal (V Small Causes Court), Chennai by its common award dated 27.02.2015 passed in MCOP Nos.3034 and 3110 of 2011, directed the appellant to pay the respondent in CMA No.583 of 2016 a sum of Rs.2,62,000/- and the respondent in CMA No.584 of 2016 a sum of Rs.1,07,500/- respectively.

5. The details of the compensation awarded by the Tribunal under the impugned award are as follows:

MCOP No.3034 of 2011 corresponds to CMA No.583 of 2016

Heads	Amount awarded by the Tribunal (Rs.)
Transportation, nourishing food and miscellaneous expenditure	25000
Attender charges	15000
Medical expenses	7000
Disability	120000
Loss of earning during the period of treatment	45000
Damages for pain, suffering and trauma	25000
Loss of amenities	25000
Total compensation is fixed at	262000



MCOP No.3110 of 2011 corresponds to CMA No.584 of 2016

Heads	Amount awarded by the Tribunal (Rs.)
Transportation, nourishing food and miscellaneous expenditure	25000
Attender charges	1000
Medical expenses	3500
Disability	45000
Loss of earning during the period of treatment	13000
Damages for pain, suffering and trauma	10000
Loss of amenities	10000
Total compensation is fixed at	107500

6. The appellant /Transport Corporation has primarily challenged the impugned award on the ground that the quantum of compensation awarded by the Tribunal is excessive. According to them, the compensation assessed by the Tribunal to the respective respondents is on the higher side and the disability compensation is also high.

7. Heard Mr.K.J.Sivakumar, learned counsel for the appellant and Mr.F.Terry Chella Raja, learned counsel for the respondent.

8. This Court has perused and examined the impugned award as well the materials and evidence available on record before the Tribunal.

9. Before the Tribunal, the respective claimants have filed documents which were marked as Ex.P1 to P22 and witnesses were also examined on their side which included the Doctor (PW4), who examined them. The documents which were marked as Exhibits on the side of the respective claimants included the discharge summaries issued by the hospitals and other medical records. Disability certificate of the respective claimants were also marked as Exs.P20 and P21 before the Tribunal. However, on the side of the appellant /Transport Corporation excepting for examining the Conductor of the bus Mr.Sekar as a witness (RW1), no document was filed by the appellant / Transport Corporation to disprove the percentage of disability sustained by the respective claimants. Only based on the materials and evidence available on record, the Tribunal has rightly assessed the



disability of the respective claimants and has rightly awarded the compensation. The compensation awarded by the Tribunal to the respective claimants cannot be considered to be excessive, in the considered view of this Court. The Tribunal has given due consideration to the year of the accident as well as the medical records and only thereafter has assessed the disability of the respective claimants and has also awarded the disability compensation based on the said disability. The nature of the injuries sustained by the respective claimants have also not been disputed by the appellant / Transport Corporation as seen from the evidence and materials available on record.

10. For the foregoing reasons this Court does not find any infirmity in the findings of the Tribunal. Therefore, there is no merit in these appeals and accordingly, the Civil Miscellaneous Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11. 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 respective M.C.O.P. No.3034 of 2011 and 3110 of 2011 respectively, on the file of the Motor Accident Claims Tribunal (V Small Causes Court), 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 in CMA No.583 and 584 of 2016, through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar

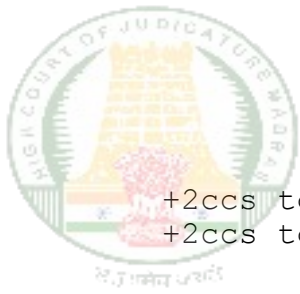
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Sub Assistant Registrar

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To

- 1.The V Judge,
V Small Causes Court,
Motor Accidents Claims Tribunal,
Chennai.
- 2.The Section Officer,
V.R. Section, High Court of Madras,
Chennai - 104.



+2ccs to Mr.K.J.Sivakumar, Advocate Sr Nos.23416, 23418
+2ccs to Mr.F.Terry Chella Raja, Advocate Sr Nos.23866, 23867

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SRII (CO)
PR (10/11/2021)