



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021
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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.1464 of 2021
and
C.M.P.No.7628 of 2021

The Managing Director,
TNSTC Kumbakonam Ltd.,
Trichy- 620 001.

... Appellant

vs.

1. M.Ganesan
2. V.Meiyazhagan

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 28.02.2020 made in M.C.O.P.No.1678 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Judge II, Salem.

For Appellant : Mr.D.Venkatachalam

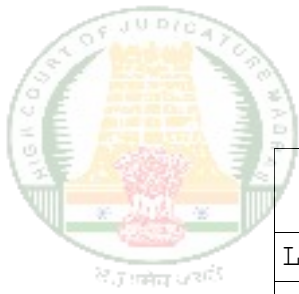
For Respondents : Ms.R.Poornima (R2)

J U D G M E N T

This Appeal has been filed by the Transport Corporation challenging the Award dated 28.02.2020 passed by the Motor Accident Claims Tribunal, Special Sub Judge II, Salem in M.C.O.P.No.1678 of 2018, directing the Appellant/Transport Corporation to pay the Claimant a sum of Rs.19,93,867/- as compensation for the injuries sustained by him in an accident which occurred on 10.03.2016 involving the bus owned by the appellant/Transport Corporation, which was driven by the second respondent.

2. Before the Tribunal, the First Respondent/Claimant claimed a sum of Rs.20,00,000/- as compensation for the injuries sustained by him. In support of his claim, the First Respondent/Claimant marked Exs.P1 to P14 before the Tribunal and P.W.1 was examined as witness. On the side of the Appellant/Transport Corporation, one witness was examined, but one Exhibit was marked.

3. On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.19,83,867/- as compensation to the First Respondent/Claimant. Details of the compensation awarded by the Tribunal under the impugned Award, are as follows :



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Heads	Amount awarded by the Tribunal (Rs.)
Loss of Income	12,43,125.00
Pain and sufferings	1,25,000.00
Loss of amenities	1,25,000.00
Medical Expenses	2,19,742.00
For fixation of artificial leg	2,00,000.00
Transportation	20,000.00
Nutrition	50,000.00
Attendant charges	10,000.00
Damage to clothes	1000.00
Total	19,93,867.00

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. The appellant has challenged the impugned award on the ground that the Tribunal awarded a sum of Rs.1,25,000/- each on the head of the amenities and pain and sufferings, which are on the higher side. Further, the Tribunal has awarded a sum of Rs.2,00,000/- towards artificial leg without any evidence, which is excessive and the compensation awarded towards extra nourishment is also on the higher side and hence seeks reduction of the compensation.

6. A perusal of the award would go to show that the Tribunal on considering both and oral evidence and considering the nature of injuries sustained by the claimant, has rightly awarded a sum of Rs.1,25,000/- towards Loss of amenities and pain and sufferings and therefore the same cannot be said to be excessive.

7. It is a case of amputation. The claims tribunal, by considering Ex.P4-Discharge summary, Ex.P5-wound certificate and Ex.P6-Accident register and other documents has rightly awarded a sum of Rs.2,00,000/- towards artificial leg and its future maintenance and therefore the same cannot be said to be excessive.

8. Considering the nature of injuries and period of treatment undergone by the claimant, the Tribunal has awarded a sum of Rs.1,25,000/- which is correct and hence the same need not be interfered with.

9. Hence, considering the nature of injuries sustained by the Claimant, the quantum of compensation awarded by the Tribunal to the Respondent/Claimant under various heads,



totalling a sum of Rs.19,93,867/-, cannot be considered to be excessive, as alleged by the Appellant/ Transport Corporation. For the foregoing reasons, this Court does not find any merit in this Appeal and the same is liable to be dismissed.

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10. Accordingly, the Civil Miscellaneous Appeal stands dismissed. The Appellant/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.1678 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge II, Salem, within a period of eight 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Special Sub Judge II,
Motor accident Claims Tribunal,
Salem.
2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.38971
+1cc to Mr.K.Poornima, Advocate, S.R.No. 38871

C.M.A. No.1464 of 2021

AD(CO)
GN(28/10/2021)