



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No. 2510 of 2021
and
C.M.P.No.14421 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram Ltd., Vazhuga Reddy,
Villupuram -II

...Appellant/Respondents

..Vs..

U. Saravanan

...Respondent/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 22.04.2019 made in M.C.O.P.No. 965 of 2011 on the file of the Motor Accident Claims Tribunal, Special Sub Judge I, Small Causes Court, Chennai.

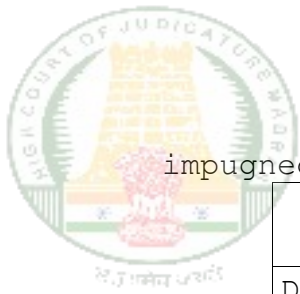
For Appellant : Mr.K.J. Sivakumar

J U D G M E N T

This Appeal has been filed by the Transport Corporation challenging the Award dated 22.04.2019 passed by the Motor Accident Claims Tribunal, Special Sub Judge I, Small Causes Court, Chennai in M.C.O.P.No.965 of 2011, directing the Appellant/Transport Corporation to pay the Claimant a sum of Rs.7,58,900/- as compensation for the injuries sustained in an accident which occurred on 20.12.2010 involving the bus owned by the appellant/Transport Corporation.

2. Before the Tribunal, the Respondent/Claimant claimed a sum of Rs.20,00,000/- as compensation for the injuries sustained by him. On the side of the Respondent/claimant, P.W.1 & P.W.2 were examined as witnesses and Exs.P1 to P13 were marked before the Claims Tribunal. On the side of the Appellant/Transport Corporation, R.W.1 was examined as witness and no exhibit was marked.

3.On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.7,58,900/- as compensation to the Respondent/Claimant. Details of the compensation awarded by the Tribunal under the



impugned Award, are as follows :

Heads	Amount awarded by the Tribunal (Rs.)
Disability (20%)	60,000.0
Pain and sufferings	30,000.0
Extra Nourishment	20,000.0
Transport charges	5,000.00
Hospital & Medical expenses	5,80,661
Attender charges	15,250.0
Loss of Earning	28,000.0
Loss of future prospects	20,000.0
Total Rounded off	Rs.7,58,911/- Rs.7,58,900/-

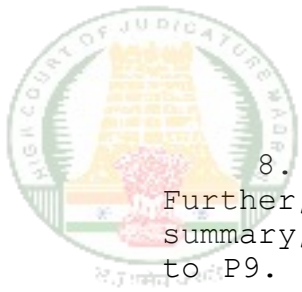
4. Heard the learned counsel for the parties and perused the material documents available on record.

5. The Appellant has challenged the impugned award on the ground that mere registration of an FIR is not enough for holding negligence on their part. The Claims Tribunal ought not to have awarded a sum of Rs.60,000/- on the head of disability which is on the higher side. Further, the compensation awarded towards other heads are also huge and same needs to be reduced.

6. Insofar as the first contention raised by the Appellant is concerned, the Respondent/Claimant has proved his case by filing an FIR, which has been marked as Ex.P1 and though the Appellant denied about the accident and stated that the accident occurred only on the negligent act of the Claimant, no contra evidence has been produced by the Appellant before the Tribunal to disprove the contention of the Respondent/Claimant that only due to the rash and negligent driving by the driver of the bus owned by the appellant/Transport Corporation, the accident had happened which resulted in injuries sustained by him. Therefore, this Court is of the considered view that there is no basis for the Appellant to contend that mere registration of an FIR against the Driver of the bus without corroboration by any other independent witness.

7. Insofar as the compensation awarded towards disability is concerned, Respondent/Claimant has sustained following injuries;

- i) Fracture both bone left leg
- ii) degloving injury both legs
- iii) dislocation of left shoulder
- iv) haemorrhagic contusion left parietal region



8. The aforesaid injuries appears to be grievous in nature. Further, the claimant has filed the Wound Certificate, discharge summary, Medical Bills, Prescriptions which was marked as Exs.P3 to P9. In Ex.P13-Disability certificate, though the P.W.2-Doctor assessed the disability @ 40% , the Claims Tribunal has fixed only 20% and by taking Rs.3,000/- per percentage, awarded a sum of Rs.60,000/- (3000x20) towards permanent disability, which this Court feels is a just one and does not warrant interference.

9. Considering the nature of injuries sustained by the Respondent/Claimant, period of treatment undergone, the quantum of compensation awarded by the Tribunal to the Respondent/Claimant under various heads, totalling a sum of Rs.7,58,900/-, 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 accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. 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. 965 of 2011 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge I, Small Causes Court, Chennai, 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(arr)/(shk)

To:

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

C.M.A. No.2510 of 2021

GPL(CO)
RGA(19/11/2021)