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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No. 2503 of 2021 and
C.M.P.No.14403 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Vazhreddy, Villupuram.

...Appellant/Respondent No.1

Vs.

Tamizharasan

...Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 23.09.2019 made in M.C.O.P.No.139 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Judge, Kallakurichi.

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 23.09.2019 passed by the Motor Accident Claims Tribunal, Sub Judge, Kallakurichi in M.C.O.P.No.139 of 2014, directing the Appellant/Transport Corporation to pay the Claimant a sum of Rs.14,02,000/- as compensation for the injuries sustained in an accident which occurred on 22.02.2014 involving the bus owned by the Appellant/Transport Corporation.

2. Before the Tribunal, the Respondent/Claimant claimed a sum of Rs 50,00,000/- as compensation for the injuries sustained by him. On the side of the Respondent/claimant P.W.1 was examined as witness and Exs.P1 to Exs.P8 were marked before the Tribunal. On the side of the Appellant/Transport corporation, R.W.1 was examined and no exhibits were marked and Ex.C1 was marked as Court Exhibit.



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3. On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.14,02,000/- 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	11,23,200
Loss of income	78,000.00
Transportation charges	25,000.00
Nutrition charges	25,000.00
Pain and sufferings	75,000.00
Attender charges	20,000.00
Medical Bills	55,534.00
Total	Rs.14,01,734/-
Rounded off	Rs. 14,02,000/-

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 to have considered the evidence R.W.1, who is the driver of the bus and competent person to speak about the accident. He has categorically deposed that Corporation has objected the FIR and given counter complaint against the driver of the motor cycle. Further, the Claims Tribunal ought not to have fixed the disability as 80% without any proof. The compensation awarded by the Tribunal under other heads are also very high and the same needs to be reduced.

6. Insofar as the first contention raised by the Appellant is concerned, though R.W.1 deposed that a counter complaint has been lodged against the driver of the motor cycle, no evidence has been produced on his behalf. 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 fixation of 80% disability on the Respondent / Claimant is concerned, the same is supported by



documentary evidence viz., Ex.P6- Certificate issued by District Welfare Department, Villupuram and Ex.C1- Disability certificate issued by Medical Board, Villupuram, considering the same the Claims Tribunal has rightly fixed 80% disability on the Respondent/Claimant.

8. As no proof was produced before the Claims Tribunal to the effect that the Claimant was earning a sum of Rs.20,000/- per month, by considering the Judgment of the Hon'ble Apex Court in the case of Syed Siddiq Ali vs. Divisional Manager, United India Insurance Company, reported in 2014(1) TNMAC Page 49 the monthly income was fixed at Rs.6,500/- and by adopting the multiplier 18 as per the decision of the Hon'ble Supreme Court in the case of Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Another, reported in 2014(1) TNMAC 459, a sum of Rs.11,23,200/- (Rs.78,000x18 x 80%) which is not excessive.

9. Considering the nature of injuries sustained by the Respondent/Claimant, period of treatment undergone by the Claimant, the quantum of compensation awarded by the Tribunal to the Respondent/Claimant under various heads, totalling a sum of Rs.14,02,000/-, 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.139 of 2014 on the file of the Motor Accidents Claims Tribunal, Sub Judge, Kallakurichi, 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.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

(arr)/(shk)



To:

1. The Motor accident Claims Tribunal,
Sub Judge,
Kallakurichi.

2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.

C.M.A. No.2503 of 2021

GSM(CO)
SP(20/12/2021)