



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.NO.1740 OF 2020

Subramaniam

.. Appellant

Vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore - Erode,
No.37, Mettupalayam Road,
Coimbatore.

.. Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 11.12.2019 made in M.C.O.P. No.493 of 2015 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Sankari.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondent : Mr.A.Sundaravadanam

J U D G M E N T

This Civil Miscellaneous Appeal has been filed seeking enhancement of compensation granted by the Tribunal in the Award dated 11.12.2019 made in M.C.O.P.No.493 of 2015 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Sankari.

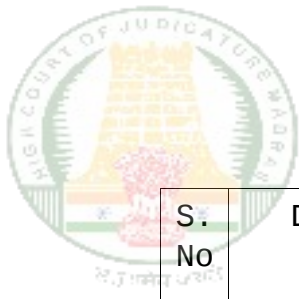


2. The appellant is the claimant in M.C.O.P.No.493 of 2015 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sankari. He filed the above said claim petition, claiming a sum of Rs.15,00,000/- as compensation on account of the injuries sustained by him in the accident that occurred on 11.09.2015.

3. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to the rash and negligent driving by the driver of the bus belonging to the respondent/Transport Corporation as well as the negligent act on the part of the appellant, and fixed 30% contributory negligence on the part of the appellant and 70% contributory negligence on the part of the respondent/Transport Corporation and awarded a sum of Rs.1,50,000/- as compensation. Not being satisfied with the amount awarded by the Tribunal and aggrieved by the fixation of 30% contributory negligence, the appellant has come out with the present Appeal.

4. The learned counsel for the appellant contended that the appellant was aged about 64 years at the time of accident. Due to the accident, he has sustained grievous injuries and fractures. He was admitted in Hospital as in-patient from 11.09.2015 to 23.09.2015. During the treatment period, he underwent surgeries and plate and screw were fixed. After discharge from the Hospital, the appellant was unable to do the work as before. The Medical Board examined the appellant and has fixed permanent disability at 15%. He further contended that the Tribunal had erroneously fixed 30% contributory negligence on the part of the appellant and the amount awarded by the Tribunal under different heads are meagre and hence, he prayed for enhancement of compensation.

5. Per contra, the learned counsel appearing for the respondent/Transport Corporation contended that the Tribunal after considering both oral and documentary evidence in a proper perspective, has awarded compensation which is not meagre and prayed for dismissal of the Appeal.



WEB COPY

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of Income	63,000/-	63,000/-	Confirmed
2.	Medical Bills	75,000/-	75,000/-	Confirmed
3.	Transport Expenses	10,000/-	15,000/-	Enhanced
4.	Extra Nourishment	10,000/-	25,000/-	Enhanced
5.	Pain and Suffering	25,000/-	25,000/-	Confirmed
6.	Future Medical Expenses	25,000/-	25,000/-	Confirmed
7.	Loss of Assets	5,000/-	5,000/-	Confirmed
8.	Attender charges	Nil	15,000/-	Granted
9.	Loss of amenities	Nil	15,000/-	Granted
	Total	2,13,000/-	2,63,000/-	
		30% Contributory Negligence = Rs.63,900/-	20% Contributory Negligence = Rs.52,600/-	Reduced
	Grand Total	Rs.1,50,000/-	Rs.2,10,400/-	

10. The appellant/claimant is entitled to 80% of the Award amount, i.e. Rs.2,10,400/- (Rupees Two lakhs Ten thousand and Four hundred only). The respondent/Transport Corporation is directed to deposit 80% of the Award amount i.e. Rs.2,10,400/- together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

11. The respondent/Transport Corporation is directed to deposit the Award amount determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a



WEB CODE

copy of this judgment to the credit of M.C.O.P.No.493 of 2015 on the file of the Motor Accident Claims Tribunal, (Subordinate Court), Sankari. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of two weeks. The Appellant is directed to pay the necessary Court fee, if any, on the enhanced compensation.

12. In the result, this Civil Miscellaneous Appeal is allowed with the above modification and direction. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
The Motor Accident Claims Tribunal,
Sankari.
2. The Section Officer,
VR Section,
High Court,
Madras.

C.M.A.No.1740 of 2020

SR-II(CO)
RLP(21/10/2021)