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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1948 of 2020
and CMP.No.14415 of 2020

(Through Video Conferencing)

The Managing Director,
M/s.TamilNadu State Transport Corporation Limited,
Ramakrishna Road, Salem,
Regional Office, Bharathipuram,
Dharmapuri - 5. ... Appellant/ Respondent

Siranjeevi ... Respondent/ Petitioner

Vs.

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 24.02.2020 made in M.C.O.P.No.648 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Krishnagiri.

For Appellant : Mr.D.Raghu

For Respondent : No Appearance

JUDGMENT

Though notice has been served on the contesting respondents/claimants, there is no representation on behalf of them. Since, no adverse order are proposed to be passed against the contesting respondents, with consent of the learned counsel for the appellant, this appeal is taken up for hearing and is disposed by this Judgment.

2. The appellant-TNSTC is aggrieved by the impugned judgment and decree dated 24.02.2020 passed by the Motor Accident Claims Tribunal, Special Sub-Court, Krishnagiri in M.C.O.P No.648 of 2018.

3. By the impugned judgment and decree, the Tribunal has awarded a sum of Rs.4,39,645/- as compensation for the injury suffered by the respondent/claimant.



4. The break up of the amount awarded by the Lower Court are summarised below:-

S.No.	Heads	Amount Awarded by the Tribunal
1.	60% disability at Rs.3,000/- per percentage (60 x 3000 = 1,80,000)	Rs.1,80,000/-
2.	Transport charges	Rs.10,000/-
3.	Extra Nourishment	Rs.15,000/-
4	Pain and suffering	Rs.48,000/-
5	Social amenities	Rs.48,000/-
6	Loss of Income (3 x 8,500 = 25,500)	Rs.25,500/-
7	Damages of clothing	Rs.1,000/-
8	Medical bills	Rs.1,12,145/-
	Total	Rs.4,39,645/-

5. The brief facts of the case are as follows:

On 02.01.2018 at about 7.00 hrs. when the respondent was travelling as a pillion rider in Hero Splendor motor cycle bearing Reg.No.TN.24.AK.2234 to Bandharapalli, on Krishnagiri to Hosur, TNSTC bus bearing Registration No.TN.29/N.1820 of the appellant driven by its driver suddenly stopped the bus without giving any signal, as a result of which, the respondent hit the bus and sustained grievous injury.

6. The nature of injuries suffered by the respondent is as follows:

- 1.RTA Facial Injury
- 2.Fracture both bones of left forearm
- 3.Left scapula with C2 vertebral body fracture.

7. The present Civil Miscellaneous Appeal has been filed by TNSTC on the ground that the compensation awarded by the Tribunal was excessive as the 1st respondent was a coolie and could not have earned Rs.8,500/- per month. It is further submitted that the respondent was a motor cyclist and was responsible for the accident and the Tribunal has wrongly fixed the entire liability on the appellant.

8. I have considered the arguments advanced on behalf of the appellant.

9. In my view, the Tribunal has awarded just compensation to the respondent. The Tribunal has correctly considered the notional income of Rs.8,500/-, as the accident is of the year 2018. There is no evidence to suggest that

<https://hcservices.hcscourts.gov.in/hcservices/> is responsible for the accident. Therefore,



the impugned Judgment and Decree passed by the Tribunal requires no interference. Accordingly, the appeal filed by the appellant Insurance Company is dismissed.

10. The appellant-TNSTC is therefore directed to deposit the compensation awarded together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and cost as was directed by the Tribunal in the impugned Judgment and Decree, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment.

11. On such deposit, the respondent/claimant is permitted to withdraw the same together with interest thereon, less any amount already withdrawn, by filing suitable application before the Tribunal.

12. In view of the above, this Civil Miscellaneous Appeal is hereby dismissed. No cost. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

drl
To:

1.The Motor Accidents Claims Tribunal,
Special Sub Court, Krishnagiri.

Copy to:
The Section Officer,
VR Section,
High Court, Madras

+1 cc to Mr.D.Raghu, Advocate Sr.NO. 24418

C.M.A.No.1948 of 2020
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A.SK(23.11.2021)