



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.04.2021**

**CORAM**

**THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM**

**C.M.A. (MD).No.1300 of 2011**

**WEB COPY**

The Managing Director,  
Tamil Nadu State Transport Corporation Limited,  
Kumbakonam,  
Division II,  
Periyamilagapuri,  
Contanment,  
Trichy - 1.

... Appellant/2<sup>nd</sup> Respondent

**Vs.**

1.Mr.J.Krishnaswamy

... 1<sup>st</sup> Respondent/Claimant

2.The Managing Director,  
State Express Transport Corporation Limited,  
Tamil Nadu Division -I,  
Pallavan Salai,  
Chennai -2.

... 2<sup>nd</sup> Respondent/1<sup>st</sup> Respondent

**Prayer:** The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award made in M.C.O.P.No.218 of 2003, dated 30.11.2006 on the file of the Motor Accident Claims Tribunal, Sub Court, Tiruchirapalli.

For Appellant : Mr.N.Asaitambi

For R2 : Mr.S.Royce Emmanuel

R1 : Dist. vide court order dated 10.04.2019

### **J U D G M E N T**

This appeal has been preferred challenging the award passed by the Motor Accident Claims Tribunal (Sub Court), Tirunelveli in M.C.O.P.No.218 of 2003.

2. The first respondent filed the claim petition seeking compensation of Rs.2,50,000/- for the injuries sustained by him in the accident, which had taken place on 07.02.1994. It is the case of the claimant that he along with one Maheswari was travelling in the bus belonging to the appellant from Agaram to Perambalur. At that time, the bus belonging to the second respondent rammed the bus, in which, they were travelling. In the impact, both of them sustained injuries. The claimant would state that immediately, he was provided first aid at Perambalur Government Hospital and thereafter, he took treatment as in-patient from 08.02.2004 to 21.02.2004. It is also stated that he sustained fracture in his left leg.



3. It is relevant to point out that the claimant travelled in the bus belonging to Tamil Nadu State Transport Corporation Limited and the offending vehicle belongs to State Express Transport Corporation. After analysing the evidence adduced by the parties, the Tribunal fixed negligence at the ratio 50 : 50 on both the drivers of the buses. I do not find any good ground to interfere with the finding on negligence.

4. Insofar as the quantum is concerned, Ex.P2-Wound Certificate reveals the fracture sustained by the claimant in his left leg. Ex.P3 is the Medical Records for taking treatment from 22.02.1994 to 19.03.1994. P.W.2 issued Disability Certificate-Ex.P.8 stating that the claimant has sustained 32% permanent disability. However, the Tribunal has taken the disability at 30% and awarded Rs.45,000/- for permanent disability; Rs.10,000/- for pain and suffering; Rs.10,570/- for medical expenses based on Ex.P4; Rs.2,000/- for extra nourishment. Totally, the Tribunal awarded Rs.67,570/- along with interest at 7.5% per annum. The award of the Tribunal is reasonable and fair.

5. In such view of the matter, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

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/ /2021

Sub Assistant Registrar(CS)

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To  
The Motor Accident Claims Tribunal,  
Subordinate Court, Tiruchirapalli.

Copy to  
The Section Officer, V.R.Section,  
Madurai Bench of Madras High Court, Madurai.(2 copies)

**C.M.A. (MD) .No.1300 of 2011**

**16.04.2021**

SVN(CO)  
TR(08.06.2021) 2P 4C