



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A(MD)No.234 of 2013

and

MP(MD)No.1 of 2013

General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Division-IV) Ltd.,
Pillai Thanneerpandal,
Thirumayam Road,
Pudukottai.

: Appellant/Respondent

Vs.

Subramanian

: Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the award, dated 04.10.2007 made in MCOP No.243 of 2005 on the file of Motor Accident Claims Tribunal (Additional District Judge (FTC), Ramanathapuram.

For Appellant

: Mr.M.Prakash

For Respondent

: No appearance

JUDGMENT

Challenge made in this appeal is to the award, dated 04.10.2007 made in MCOP No.243 of 2005 on the file of Motor Accident Claims Tribunal (Additional District Judge (FTC), Ramanathapuram.

2.The brief facts of the case are that on 01.04.2005 at about 5.30 am on Rameswaram-Ramanathapuram Highway Road near Marakayar Pattinam Bus stand, when the claimant was riding his bullock cart from west to east towards Mandapam, the Bus TN-55-N-0300 came in a rash and negligent manner and dashed against the bullock cart. In the accident, the claimant fell down and sustained injuries on his right leg and multiple injuries all over the body and his bullock cart value of Rs.25,000/- was also fully damaged and his two



bullocks died on the spot. A claim petition was filed by the claimant seeking compensation of Rs.5,00,000/- on the ground that the offending vehicle caused the accident.

3.The claim was opposed by the appellant Transport Corporation disputing the manner of accident and their liability to pay compensation.

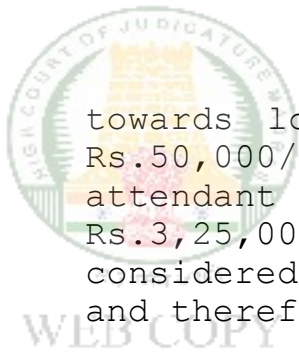
4.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the bus was responsible for the accident and awarded compensation of Rs.3,25,000/- with interest @ 9.5 % p.a. Aggrieved by the award of the tribunal, the appellant Transport Corporation is before this court.

5.Heard the learned counsel appearing for the appellant and perused the materials available on record. There is no representation on the side of the respondent.

6.Even though various grounds were raised in the grounds of appeal, it is mainly contended by the learned counsel for the appellant that the monthly income arrived by the tribunal at Rs.4,000/- is without any documentary evidence and the award of Rs.25,000/- towards damage of bullock Cart and Rs.10,000/- for the death of bullocks are excessive and the interest fixed by the tribunal is very high, so the quantum is to be reduced.

7.PW1 is the injured as well as the eye witness to the accident. A criminal case was registered against the driver of the bus. Ex.A1 FIR stands registered based on the complaint given by PW1. Ex.A6 final report would show that after investigation, the police filed a final report against the Driver of the Bus. PW1 has given evidence stating that he sustained partial permanent disability due to the grievous injuries fracture on the right leg and he was not able to do his regular work. It is seen from Exs.A9, A10 and A12, the claimant was hospitalized for a long time. Further perusal of Exs.A11, A13 to A15, the claimant has spend Rs.1,00,640/- towards medical expenses.

8.PW2 Dr.M.Azhagappan has deposed that he examined the claimant and found that the claimant had sustained grievous injuries in the accident and he assessed 20% partial disablement and issued Ex.A22 Wound Certificate to the claimant. Based on the evidence, the Tribunal has come to the conclusion that the claimant has suffered 20% partial permanent disability and awarded **Rs.1,05,600/-** under the head. Further, the Tribunal awarded Rs.2,000/- towards transportation, Rs.25,000/- towards damage of bullock cart; Rs.10,000/- for the death of bullocks; Rs.1,00,640/- towards medical expenses as per Exs.A11, A13 to A15; Rs.20,000/-



towards loss of earning; Rs.10,000/- towards extra nourishment; Rs.50,000/- towards pain and sufferings and Rs.2,000/- towards attendant charges. In total, the tribunal has awarded Rs.3,25,000/- along with interest at the rate of 9.5% p.a. In the considered view of this court, the award is fair and reasonable and therefore, it is confirmed.

9.In the result, the Civil Miscellaneous Appeal is dismissed, confirming the award of the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

The Additional District Judge,
Fast Track Court,
Motor Accidents Claims Tribunal,
Ramanathapuram.

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V.R Section,
Madurai Bench of Madras High Court,
Madurai.

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