



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A(MD)No.1361 of 2015

and

MP(MD)No.3 of 2015

The Branch Manager,
Tamil Nadu State Transport Corporation,
Dindigul.

: Appellant/Respondent

Vs.

Muniraj

: Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the award, dated 11.04.2011 made in MCOP No.21 of 2006 on the file of Motor Accident Claims Tribunal (Sub Court), Palani.

For Appellant

: Mr.M.Prakash

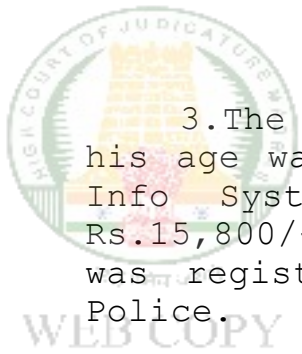
For Respondent

: Mr.R.Jegadeeswaran

JUDGMENT

Challenge made in this appeal is to the award passed by the Motor Accident Claims Tribunal (Sub Court), Palani, in MCOP No.21 of 2006, dated 11.04.2011.

2.The brief facts of the case are that on 21.11.2001 at about 2.30 pm near Moolachatram on Dindigul-Palani Main Road, when the injured Muniraj was travelling in the TNSTC Bus TN-57-N-0493 as passenger, due to rash and negligent driving of the bus driver, it hit behind one Thangaraj and due to sudden impact, the claimant Muniraj hit on the steel rod inside the bus, resulting into his sustaining grievous head injuries and he was taken to CF Hospital, Oddanchatram and treated as inpatient from 21.11.2001 to 23.11.2001 and then, he was referred to Mahatma Rural Hospital, Vadamadurai. The injured claimant filed a claim petition seeking compensation of Rs.20,00,000/- on the ground that the driver of the Bus was responsible for the accident.



3.The claimant has stated that at the time of the accident, his age was 27 and he was working as Software Engineer in Baan Info Systems India Limited, Hyderabad and was earning Rs.15,800/- per month. A criminal case in Crime No.837 of 2001 was registered against the driver of the Bus by Oddanchatram Police.

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

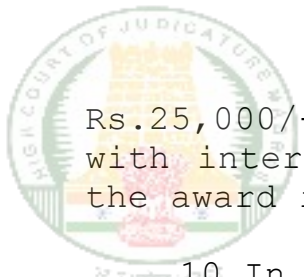
5.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the Bus was responsible for the accident and awarded compensation of Rs.20,58,384/- together with interest @ 7.5 % p.a. Aggrieved by the award of the tribunal, the appellant Transport Corporation is before this court.

6.Heard both sides and perused the materials available on record.

7.It is contended by the learned counsel for the appellant that the quantum of award is on the higher side, so the quantum is to be reduced. On the other hand, the learned counsel for the respondent/claimant submitted that the award is reasonable, which does not warrant any interference of this court.

8.PW1 is the injured as well as the eye witness to the accident. A criminal case was registered against the driver of the Transport Corporation Bus. Ex.P1 FIR stands registered based on the complaint given by PW1. Ex.P2 charge sheet would show that after investigation, the police filed a final report against the Driver of the Bus. Ex.P5 is the criminal court judgment. On perusal of Ex.P5, criminal court judgment, the driver of the bus admitted his guilt and paid fine. PW1 has given evidence stating that he sustained head injuries and due to it, he lost his memory and he has got stress and depression disorder and he was not able to do his regular work. Ex.P3 is the Wound Certificate. Ex.P9 is the Disability Certificate. Ex.P11 is the scan report.

9.PW2 Dr.Jeyabalachanran has deposed that he examined the claimant and found that the claimant had sustained grievous injuries, lost his memory and he got stress and depression disorder and he assessed 62% permanent disability and issued Ex.P9 disability certificate to the claimant. Based on the evidence, the Tribunal has come to the conclusion that the claimant has suffered 62% permanent disability and awarded **Rs.19,98,384/- (Rs.15,800/- x 12 x 17 x 62%)** under the head. The Tribunal awarded Rs.25,000/- towards pain and sufferings, Rs.10,000/- for transportation and



Rs.25,000/- for extra nourishment, totally **Rs.20,58,384/-** together with interest @ 7.5.% p.a. In the considered view of this court, the award is fair and reasonable and therefore, it is confirmed.

10. 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)

// True Copy //

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Sub Assistant Registrar(CS)

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To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Palani

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The Record Keeper-2 copies
V.R Section,
Madurai Bench of Madras High Court,
Madurai.

C.M.A(MD)No.1361 of 2015

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