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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A (MD) No.660 of 2018

and

CMP (MD) No.7659 of 2018

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam,
Thanjavur District.

: Appellant/Respondent

Vs.

S.P.Jegatheesan

: Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the award, dated 20.11.2017 made in MCOP No.29 of 2015 on the file of Motor Accident Claims Tribunal (Sub Court), Paramakudi.

For Appellant

: Mr.P.Prabhakaran

For Respondent

: Mr.D.Senthil

JUDGMENT

Challenge made in this appeal is to the award passed by the Motor Accident Claims Tribunal (Sub Court), Paramakudi, in MCOP No.29 of 2015, dated 20.11.2017.

2.The brief facts of the case are that on 09.09.2014 at about 6.20 am, the appellant Transport Corporation Bus TN-63-N-1503 proceeding from Paramakudi to Trichy and while the bus was stopped at Karaikudi Water Tank stop for alighting the passengers, at the time a TATA ACE came in the opposite direction and dashed on the right side corner of the bus and thereby caused the accident. In the accident, the claimant, who is one of the passengers had sustained injuries. The claimant filed a claim petition seeking compensation of Rs.10,00,000/- for the injuries sustained by him in 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.3,97,708/- together with interest @ 7.5% p.a. Challenging the award of the tribunal, the Transport Corporation is before this court as appellant.

5.Heard both sides and perused the materials available on



record.

6. Even though, so many grounds were raised in the grounds of appeal, it is mainly contended by the learned counsel for the appellant that the quantum of award by the tribunal 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.

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.P1 FIR stands registered based on the complaint given by PW1. PW1 has given evidence stating that he sustained injuries in the alleged accident and sustained 69% disability. PW2 Dr. Ramadass has deposed corroborating the evidence of PW1 and issued Ex.X7 Disability Certificate. Based on the evidence, the Tribunal has come to the conclusion that the claimant has suffered 69% disability and awarded **Rs. 2,07,000/-** (Rs. 3,000/- for 1% disability) under the head. Further, the Tribunal awarded **Rs. 50,000/-** towards pain and sufferings; **Rs. 60,000/-** towards loss of income; **Rs. 11,000/-** towards attendant charges; **Rs. 7,200/-** for transportation; **Rs. 10,000/-** for nutrition; **Rs. 30,000/-** towards future medical expenses and **Rs. 4,20,216/-** towards medical bills as per Ex.P23, totally **Rs. 7,95,416/-** 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.

8. 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 III)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Motor Accidents Claims Tribunal/
Sub Court, Paramakudi.

2. The Record Keeper,
V.R Section,
Madurai Bench of Madras High Court,
Madurai. (2C)



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+1 CC to M/s.D.SENTHIL, Advocate (SR-10651[F] dated 12/03/2021)

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-10755[F] dated 12/03/2021)

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