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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

C.M.A. No.328 of 2022
and C.M.P.No.2210 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Dharmapuri Region
Bharathipuram,
Dharmapuri-636705.

...Appellant/ 1st Respondent

Vs

1.Minor Santosh
(Rep. By Next Friend and Natural
Guardian his Mother Mariammal)

... 1st Respondent/Petitioner.

2.Mr.Natesan

3.National Insurance Co, Ltd.,
TP-HUB,L.R.N.Complex,
Saratha College Road,
Salem-636007.

...2 & 3 Respondents/2 & 3 Respondents

PRAYER: Petition filed under Section 173 of Motor Vehicle Act,
to set aside the Judgment and Decree dated 18.12.2020 made in
M.C.O.P.NO.1973 of 2019 on the file of the Motor Accident Claims
Tribunal/Special Sub Court No.2, Salem.

For Petitioner : M/s.D.Raghu

O R D E R

The Tamil Nadu State Transport Corporation is the appellant
before this Court, challenging the award passed by the Special
Sub Judge (Motor Accident Claims Tribunal, Salem.) in
M.C.O.P.No.1973 of 2019.



2. The claim petition has been filed by one minor name Santosh claiming compensation for the injuries that he had sustained in a road traffic accident on 12.07.2016 involving the respondent bus. The claim petition would reveal that on 12.07.2016 at about 11.45 hours the claimant was travelling along with his mother in the bus belonging to the respondent/corporation and proceeding from Bangalore to Salem. As the bus neared the Kundalpatti, the driver of the bus in which the claimant was travelling, drove it in such a rash and negligent manner that it dashed against the Lorry which was travelling ahead of it. The petitioner and his mother were crushed inside the bus and had sustained multiple grievous injuries over the body. Five surgeries had been conducted on the minor claimant's leg and he still continues to be under the care of the Salem General Hospital.

3. At the time of the accident the minor claimant was a school going student having an excellent academic record. However, on the account of the accident he is not in a position to work as early and he also requires the assistance of someone to do his daily routine work. He had been advised bed rest for 9 months and his parents had to borrow extensively for his medical expenses. Therefore, the claimant had sought for a claim of Rs.15,00,000/- which was restricted to a sum of Rs.12,00,000/-. The transport company has not raised any serious objections and has given a general denial with reference to the compensation claimed.

4. The Tribunal below has taken account of the fact that the medical board had assessed a permanent disability at 20% and has arrived at a compensation of Rs.3,00,000/- towards pain and suffering and mental agony and loss of amenities on account of the permanent disability and a sum of Rs.2,00,000/- towards discomfort inconvenience and loss of earnings to the parents during the period he was at the Hospital totally a sum of Rs.5,00,000/- has been arrived at compensation and interest @ 7.5 % is added. This award is sought to be challenged by the Transport Corporation.

5. Heard the learned counsel.

6. Considering the nature of injuries sustained and the permanent disability which is being assessed, the award of a sum of Rs.3,00,000/- under the head of permanent disability and pain and suffering appears to be very reasonable. The sum of Rs.2,00,000/- which has been awarded under the head of loss of



earnings, discomfort and inconvenience is also well within the parameters and cannot be found fault with.

7. The respondent/transport corporation has not let in any evidence to rebut the claim of the respondent claimant. In these circumstances, I do not find any reason to interfere with the award and consequently the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shr
To

The Motor Accident Claims Tribunal
/Special Subordinate Judge No.2, Salem.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.D.Raghu, Advocate Sr.10934

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srg 23/03/2022