



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.A.NO.498 OF 2022

AND

C.M.P.NO.3675 OF 2022

The Managing Director,
The Tamil Nadu State Transport Corporation,
Ramakrishna Road,
Salem.

... Appellant/Respondent

.Vs.

Lokesh

... Respondent/Petitioner

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 24.11.2021 made in M.C.O.P.No.825 of 2019 on the file of the Motor Accident Claims Tribunal, Special Sub Judge II, Salem.

For Appellant : Mr.D.Venkatachalam

O R D E R

The respondent, aggrieved by the award passed by the Motor Accident Claims Tribunal, Special Sub Judge II, Salem in M.C.O.P.No.825 of 2019 is the appellant before this Court.

2. The facts in brief are as follows:

The respondent herein had filed M.C.O.P.No.825 of 2019 seeking compensation for the injuries sustained by him in a road accident involving the bus belonging to the appellant/Transport Corporation. It is his case that, on 18.08.2018, when he was traveling in his Honda CB Triger bearing Registration No.TN 28 AS 5673 at around 8.45 p.m., as he was nearing Dhatchinamoorthy Temple at Seelanaicken patty, the appellant-Transport Corporation's bus, bearing Registration No.TN 30 N 0156, which



was driven in a rash and negligent manner, hit the claimant and as a result of this impact, he had sustained grievous injuries all over his body. He was rushed to the hospital, where he was admitted as an in-patient. He would also submit that by reason of the accident, he was not able to perform the activities that he did prior to the accident.

3. The appellant-Transport Corporation had filed counter statement stating that the claimant did not possess the valid driving licence. The compensation of Rs.15,00,000/- claimed was stated to be exorbitant and not in consonance with the injuries. The version given by the bus driver was that the accident occurred when another motor-cycle tried to overtake the bus on his right hand side, he hit the motor-cycle, in which, the claimant was riding, as a result of which, he had fallen down and got injured his foot.

4. The Tribunal below, on considering the evidence, awarded a sum of Rs.6,43,429/- as compensation.. The Tribunal has granted compensation for the disability only on percentage basis and not by multiplier method and it is clearly evident from the report given by Exs.P3 and P4. The Tribunal has awarded compensation also on the other conventional heads. Challenging the same, the Transport-Corporation is before this Court.

5. The only arguments they have put forward in the appeal are:-

a). There is no oral and documentary evidence produced by the claimant to prove his age, occupation and income.

b). Fixing a sum of Rs.5,000/- per percentage for the injuries, is on the higher side.

c) The Tribunal herein awarded a sum of Rs.30,000/- towards pain and sufferings, which is not in consonance with the injuries sustained by him.

Except these grounds, which basically attacks the amount of compensation, there is no other substantial ground raised by the appellant.

6. A Perusal of the award passed by the Motor Accident Claims Tribunal clearly indicates that the Tribunal below had applied its mind to the evidence available on record on both oral and documentary and only thereafter, passed the award. The notional income that has been arrived at by the Tribunal below is also very reasonable and no exception can be taken to the same. The arguments raised above by the learned counsel for the appellant-Transport corporation are not sustainable and the



Tribunal has rightly awarded compensation based on the oral and documentary evidence available on record, which does not warrant any interference by this Court. Therefore, I do not see any reason to disagree with the impugned award. Accordingly, the Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

The Motor Accident Claims Tribunal,
The Special Sub Judge II,
Salem.

Copy To:-

The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.16628

C.M.A.NO.498 OF 2022 AND
C.M.P.NO.3675 OF 2022

NMI (CO)
PBS/06/04/2022