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C.M.A.No.2599 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2599 of 2014
and M.P.No.1 of 2014

The Managing Director,
K.S.R.T.C.Bangalore

.. Appellant

-Vs.-

Murugan

.. Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 28.06.2013 passed in M.C.O.P.No.68 of 2011 on the file of the Motor Accident Claims Tribunal, (Sub Court), Mettur.

For Appellant : Mr.T.Thiyagarajan

For Respondent : Mr.C.Ramesh – No Appearance



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JUDGMENT

The Transport Corporation is aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal (Subordinate Court), Mettur in M.C.O.P.No.68 of 2011 dated 28.06.2013.

2. The parties are referred to in the same ranking as before the Trial Court. The facts in brief are as follows:-

The petitioner had filed the above claim petition seeking compensation of a sum of Rs.5,00,000/- for the injuries sustained by him in a road accident on 08.09.2008. It is his case that on the said date, he was working as a cleaner in a lorry bearing Registration No.KA 01 B 5709 and the lorry was loaded with film rolls and was proceeding from Nasik to Sivakasi. When the lorry had reached the RTO check post on the Bangalore to Hosur National Highways, the respondent-Bus coming on the wrong side and driven by its driver in a rash and negligent manner dashed against the lorry. On account of this impact, the petitioner and the driver of the lorry sustained injuries all



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over the body. They were rushed to the Government hospital and as the injuries were grievous, the petitioner was further shifted to Kurinji Hospital, Salem where he had taken treatment for 5 days. The petitioner would submit that he was earning a monthly income of Rs.8,000/-.

3. The transport Corporation had filed a counter denying the allegations contained in the claim petition and contended that the quantum of compensation claimed by the petitioner is on the higher side and further, the lorry driver was negligent and it is for this reason that the accident had occurred.

4. The Tribunal by its Award dated 28.06.2013 held that the accident had occurred only on account of the negligence of the driver of the respondent-bus.

5. The Transport Corporation is aggrieved by the fact that despite observing that the injuries sustained by the petitioner is simple in nature, the Tribunal has awarded a sum of Rs.1,00,000/- under the head of pain and



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suffering. With reference to the amounts granted under the other heads, there is no serious contest on the side of the appellant.

6. Heard the learned counsel for the appellant-Transport Corporation and perused the materials available on record. The respondent had not appeared before this Court today, though he is represented by a counsel. Therefore, this Court has proceeded to pass orders after hearing the learned counsel for the appellant and perusing the records.

7. Though the injuries are simple in nature as evidenced by Exs.P 2 and P3, the Tribunal has granted a sum of Rs.1,00,000/- under the head of Pain and Suffering. The Tribunal in its judgment has in fact observed as follows:

“ம.சா.ஆ.2 மற்றும் ம.சா.ஆ.3 ஆவணத்தில் இருந்தும்
அவருக்கு ஏற்பட்ட காயங்கள் சில காயங்களாகவே
சொல்லப்பட்டுள்ளது”.

Having observed so, the Tribunal had grossly erred in awarding a sum of



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Rs.1,00,000/- under the head of pain and suffering and the same has to be reduced to a sum of Rs.20,000/-. Therefore, the re-worked compensation would be as follows:-

<i>Heads</i>	<i>Amount Awarded by this Court in Rs.</i>
Transportation Charges	2,000
Nourishment Charges	3,000
Other expenses	15,000
Mental Agony	5,000
Pain Sufferings	20,000
Medical expenses	11,000
Total	56,000

8. In the appeal now before this Court, the amount under the head of pain and suffering is reduced to Rs.20,000/-. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of **Rs.1,60,000/-** awarded by the Tribunal is hereby **reduced** to a sum of **Rs.56,000/-** together with interest @ 7.5 % per annum from the date of petition till the date of deposit. The appellant-Transport Corporation is directed to deposit the said amount **Rs.56,000/-** to the credit of



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M.C.O.P.No.68 of 2011 together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimant is permitted to withdraw the amount now determined by this Court, along with accrued interest and costs, as apportioned by the Tribunal, after adjusting the amount if any already withdrawn. The award amount deposited by the appellant, if any, shall be refunded. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

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To

1. The Motor Accident Claims Tribunal,
(Sub Court), Mettur.
2. The Section Officer,
V.R.Section, High Court, Madras.



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P.T.ASHA, J.,

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