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C.M.A.No.2330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2330 of 2022

and

CMP.No.18139 of 2022

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
(Villupuram-2), Thiruvannamalai.

.. Appellant / 3rd Respondent

-Vs.-

1.Perumal
2.T.Srinivasan
3.The Manager
The New India Assurance Company Ltd.,
CMTS Bhavan, 70 Feet Road, Elis Nagar
Madurai.

.. Respondents 1 & 2 /
Respondents 2 & 3

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 17.12.2021 made in M.C.O.P.No.195 of 2019 on the file of the Motor Accident Claims Tribunal, Special Sub Judge (MACT), Krishnagiri.

For Appellant : Mr.K.J.Sivakumar



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JUDGMENT

The Transport Corporation, who is the 3rd respondent before the Tribunal, has filed the above appeal challenging the same on the ground of quantum.

2. The parties are referred to in the same ranking as before the Tribunal.

3. The petitioner filed M.C.O.P.No.195 of 2019 on the file of the Motor Accident Claims Tribunal (Special District Judge), Krishnagiri seeking a compensation of a sum of Rs.10,00,000/- for the injuries sustained by him in a road accident on 31.10.2018. The petitioner was travelling as a passenger in the TNSTC bus bearing Registration No.TN 25 N 0455 belonging to the third respondent. While so, the lorry belonging to the first respondent and insured with the second respondent was proceeding in front of the third respondent's bus and the lorry was being driven in a rash and negligent manner. The driver of the lorry had suddenly applied its brake, as a



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result of which, the bus which is proceeding behind dashed against the rear of the lorry. Therefore, the accident had taken place only on account of the rash and negligent driving of the lorry and the petitioner and other passengers sustained fracture and other injuries.

3. The third respondent before the Tribunal had filed a counter stating that there was no fault on the part of the driver of the third respondent's bus and the accident had taken place only on account of the rash and negligent driving of the lorry driver. However, the Tribunal below had apportioned the liability as 50% : 50% both on the driver of the lorry and the driver of the third respondent-bus. The Tribunal has arrived at a compensation of Rs.2,93,500/-. Challenging the said Award, the third respondent Corporation is before this Court.

4. Heard the learned counsel for the appellant and perused the materials available on record. Since the challenge is only on the ground of quantum, the discussion is also only on quantum.



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5. The Doctor had assessed the disability at 40% as partial permanent, however the Tribunal has rightly awarded compensation by adopting percentage method and not a multiplier method. Therefore, the challenge to the same is misplaced. The amounts arrived at under the other heads are very reasonable and I see no reason to interfere with the said judgment and decree of the Tribunal below. That apart, the appellant has not made out any case to interfere with the well considered Award of the Tribunal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

srn

To

1. The Motor Accident Claims Tribunal, (Special Sub Court), Erode
2. The Section Officer, V.R.Section, High Court of Madras, Chennai.



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P.T.ASHA, J.,

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