



C.M.A.No.2421 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2421 of 2022

and

C.M.P.No.18941 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(TNSTC Ltd.),
(Villupuram),
Thiruvannamalai.

... Appellant

vs.

R.Baskar

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Decree and Judgment dated 24.08.2017 made in M.C.O.P.No.168 of 2010 on the file of the Motor Accident Claims Tribunal, the Subordinate Court, Kanchipuram.

For Appellant : Mr.K.J.Sivakumar
For Respondent : Mr.C.Prabakaran



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JUDGMENT

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The Transport Corporation who was the respondent before the Motor Accident Claims Tribunal, the Subordinate Court, Kanchipuram in M.C.O.P.No.168 of 2010 has filed this appeal challenging the award passed by the Tribunal below on the ground of quantum.

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

3. The petitioner had sustained injuries in an accident on 16.09.2009 wherein while he was travelling as pillion rider in a Hero Honda motor cycle bearing Reg.No.TN-22-BC-6116, the respondent's bus bearing Reg.No.TN-21-N-1111 coming from behind had hit the motor cycle, as a result of which both the pillion rider as well as rider of the motor cycle were thrown away and had sustained multiple injuries all over the body.



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4. The accident had occurred only on account of the rash and negligent driving of the driver of the respondent Corporation's bus. The petitioner had sustained a fracture of both bones of his right leg and lacerations in the leg, lacerations in the left knee, in the right ankle and contusion over the scalp. The Tribunal had awarded a total compensation of a sum of Rs.1,26,000/- towards injuries. The Tribunal has granted compensation on a percentage basis taking into account the disability assessed by PW2-Doctor, at 32%. The Transport Corporation has therefore come forward with the above appeal stating that the amount granted by the Tribunal is on the higher side.

5. Heard the learned counsel on either side and perused the materials on record.

6. A perusal of the award clearly shows that the petitioner has



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sustained a fracture of both bone and the Doctor has assessed the disability at 32%. The Tribunal has granted compensation only on a percentage basis and that too by taking Rs.2,000/- per percentage and on all other heads also the Tribunal has been very conservative in its award. I see no reason to interfere with the well considered award of the Tribunal below.

7. In the result, this Civil Miscellaneous Appeal is dismissed and the Decree and Judgment dated 24.08.2017 made in M.C.O.P.No.168 of 2010 on the file of the Motor Accident Claims Tribunal, the Subordinate Court, Kanchipuram is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking / Non-speaking order
ssn



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To

1. The Subordinate Court,
Motor Accident Claims Tribunal,
Kanchipuram.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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