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C.M.A.No.2915 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2915 of 2022
and C.M.P.No.22551 of 2022

The Managing Director
Tamil Nadu State Transport Corporation Ltd
Division-III, Chennai to Bangalore Highways Road
Poneerikarai, Karai Village & Post
Kanchipuram District

.. Appellant

Versus

T.Sakthivel, S/o. Thanthoni
Vedal Village & Post
Kanchipuram Taluk

.. Respondents

Prayer : Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Kanchipuram made in MCOP.No.230 of 2011 dated 27.09.2019.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Mr.C.Prabharakan

JUDGMENT

The Appeal has been filed against the Judgment and Decree of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Kanchipuram made in MCOP.No.230 of 2011 dated 27.09.2019.



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2. The Transport Corporation is the Appellant herein, challenging the award passed by the Tribunal in the above M.C.O.P.

3. The Transport Corporation filed this appeal on the ground of quantum of compensation. The respondent herein has suffered injury by way of accident caused by the driver of the Transport Corporation on 18.02.2009, hence, the claimant/respondent filed the above M.C.O.P seeking compensation for the injuries. The Tribunal awarded Rs.1,07,000/- (Rupees one lakh and seven thousand only) as compensation along with interest at the rate of 7.5% per annum from the date of that petition and till date of deposit. Aggrieved against the same, the Transport Corporation has preferred this Appeal.

4. During the trial, it appears that Ex-A1, Chargesheet, Ex.A2, FIR were filed and based upon the overall documentary evidences, the Trial Court has come to the conclusion that the accident incurred was due to rash and negligence on the part of the driver of the Transport Corporation bus.



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5. In the absence of any challenge as to the manner of the accident, factum of the accident and rash and negligent driving on the part of the offending vehicle, the said finding rendered by the Trial Court is hereby confirmed.

6. On the point of quantum of compensation both the parties are heard.

7. From Ex.P3, P4, P5, P6 & P7, it is seen that the injured was in the hospital from 18.02.2009 to 25.02.2009. In other words, he was taking treatment as in-patient for a period of 8 days and his Disability Certificate was marked as Ex.P7. The Trial Court on its entirety and consideration has awarded Rs.1,07,000/- (Rupees one lakh and seven thousand only) as compensation along with interest at the rate of 7.5% per annum for additional medicines, extra nourishment, damages to clothes and articles, mental shock and agony, loss of amenities, pain and sufferings of the claim petitioner.

8. Considering the nature of the injury, pain suffered by the claim petitioner, expenses met out for the extra nourishment, injury and



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transportation, I find that the quantum of compensation awarded by the Trial Court is just and fair which does not require interference at this appeal stage.

9. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dhk

To

The Presiding Officer,
Motor Accident Claims Tribunal
(Additional Subordinate Court),
Kancheepuram



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RMT.TEEKAA RAMAN.J,

dhk

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