



C.M.A(MD)No.743 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 31.07.2023

Pronounced On : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.743 of 2019

and

C.M.P.(MD)No.9477 of 2019

Tamil Nadu State Transport Corporation
through its Managing Director,
Trichy.

: Appellant

Vs.

Senthilkumar

: Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the impugned award passed in M.C.O.P.No.23 of 2016 on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Madurai, dated 08.03.2019.

For Appellant : Mr.P.M.Vishunuvarathan,

For Respondents : Mr.V.Sakthivel,
for Mr.C.Christopher.



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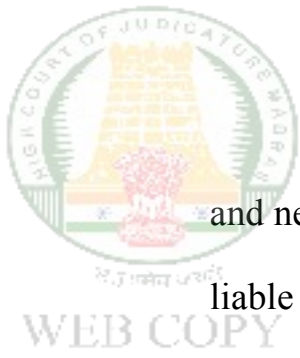
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J U D G M E N T

The Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988, challenging the award dated 08.03.2019, passed in M.C.O.P.No.23 of 2016 on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Madurai.

2. The appellant/State Transport Corporation, who was made liable to pay compensation of Rs.2,24,000/- with interest at 7.5% per annum to the respondent/claimant for the disability suffered, consequent to an accident occurred on 11.09.2015, challenged the liability mulcted on it and also the quantum of compensation awarded at by the Tribunal.

3. When the matter was taken up for hearing earlier, the learned counsel for the appellant would submit that though they have challenged the liability mulcted on them, they are only disputing the quantum of compensation awarded at by the Tribunal. Considering the evidence available on record with regard to the mode of accident and taking note of the evidence of the driver of the appellant, the Tribunal has rightly recorded a finding that the accident was occurred only due to the rash



and negligent driving of the appellant's driver and as such the appellant is liable for the claim.

4. The only point that arises for consideration is as to whether the quantum of compensation awarded at by the Tribunal is just and proper and is in accordance with law ?

5. The case of the claimant is that the claimant has suffered fracture on his left leg and he was taken to Government Rajaji Hospital, Madurai; that the claimant was working as an agricultural coolie and due to the fracture on his left leg, he is not in a position to do any work and his normal life has come to a standstill.

6. The defence of the appellant is that the claimant has not adduced any evidence to show that he suffered permanent disability and that the compensation claimed, is excessive.

7. The claimant has produced the medical records under Ex.P.2; Ex.P.3 and Ex.P.6. It is evident from the records that the claimant was admitted in Government Rajaji Hospital and he was given inpatient



treatment from 11.09.2015 to 06.11.2015 for nearly two months. It is also not in dispute that the claimant has suffered two bone injuries on his left leg and injuries over eyebrow and forehead. The claimant has appeared before the Medical Board and the Medical Board has given disability certificate under Ex.C.1. It is evident from Ex.C.1 that the Medical Board has assessed the disability of the claimant at 24%.

8. It is not the case of the claimant that he has suffered any permanent disability.

9. Considering the nature of injury and the consequent disability suffered, the Tribunal has rightly applied the percentage method and granted compensation at Rs.1,20,000/-. The Tribunal has also awarded Rs.40,000/- towards pain and sufferings; Rs.5,000/- towards extra nourishment; Rs.20,000/- towards attendant expenses ; Rs.20,000/- towards loss of income; Rs.2,000/- for dress and articles; Rs.2,000/- transportation charges and Rs.15,000/- towards medical expenses.

10. Considering the nature of injuries suffered, period of inpatient treatment and the disability suffered, the amount awarded under the other



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heads above referred, are very much reasonable. Hence, this Court concludes that the total compensation award at Rs.2,24,000/-, is just and proper and the same cannot said to be excessive. Consequently, this Court concludes that the above appeal is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs.

11. In the result, the Civil Miscellaneous Appeal is dismissed. Parties are directed to bear their own costs. Consequently, connected Miscellaneous petition is closed.

07.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The Motor Accidents Claims Tribunal
(Special Sub Court), Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
C.M.A(MD)No.743 of 2019
and
C.M.P.(MD)No.9477 of 2019

07.08.2023