



C.M.A.(MD).No.52 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.52 of 2018

Tamil Nadu State Transport Corporation

Unit II,

Kumbakonam Town and Munsif.

..... Appellant/ Respondent No.1

-VS-

1. Muniyammal

.... Respondent No.1/Petitioner

2. Suresh

.... Respondent No.2/ Respondent No.2

3. The Regional Manager,

Reliance General Insurance Company Ltd.,

15-A, PLA Kanagu Towers,

11th Cross Street,

Thillai Nagar,

Trichy and Munsif.

.... Respondent No.3/ Respondent No.3

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and award made in M.C.O.P.No.444 of 2011, dated 17.08.2012 on the file of Motor Accidents Claims Tribunal, Additional District and Sessions Court/EC Act Special Court, Thanjavur.



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For Appellant : Mr.D.Sivaraman

For Respondents : Mr.V.Sakthivel – for R3

: No appearance – For R1 and R2

J U D G M E N T

The present appeal has been filed by the Transport Corporation challenging the negligence and the quantum in the award passed by the Motor Accidents Claims Tribunal, Additional District and Sessions Court/EC Act Special Court, Thanjavur, made in M.C.O.P.No.444 of 2011.

2. The injured claimant who is an agricultural coolie was travelling in a Mini Dore Tempo along with others on 26.03.2011 from Orathanadu to Mannarkudi. At the time of the accident, a bus belonging to the respondent Corporation came in the opposite direction and dashed against the Mini Dore Tempo, which resulted in grievous injuries of the claimant. According to the claimant, she had suffered a head injury and prayed for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) towards compensation.



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3. The Tribunal, after considering the oral and documentary evidence, arrived at a finding that the claimant suffered a head injury and fracture and she was admitted as an inpatient at Thanjavur Medical College Hospital from 26.03.2011 to 11.04.2011. The Tribunal has further considered Ex.P.26 which is the Disability Certificate issued by the Doctor, which discloses that the injured claimant had suffered and sustained 30% disability and she is having headache and dizziness due to the head injury. The Tribunal awarded a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards pain and sufferings and a sum of Rs.10,000/- (Rupees Ten Thousand only) towards Transport expenses, loss of income during treatment and extra nourishment. The Tribunal has proceeded to award a sum of Rs.2,000/- (Rupees Two Thousand only) per percentage of disability and awarded a sum of Rs.60,000/- (Rupees Sixty Thousand only) towards permanent disability. The said award is under challenge in the present appeal.

4. The learned counsel appearing for the appellant had contended that there is no negligence on the part of the driver of the Transport Corporation



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and the accident has taken place only due to the negligence on the part of the driver of the Mini Dore Tempo, in which, the claimant was driving. All the seven passengers who had travelled in the said Mini Dore Tempo were injured and they have filed claim petitions. In two of the appeals filed by the Transport Corporation, before this Court in C.M.A(MD) Nos.227 of 2015 and 709 of 2014, this Court has confirmed the fact that the accident had happened only due to the negligence on the part of the driver of the Transport Corporation. Therefore, this Court is not inclined to interfere with the said issue of negligence.

5. As far as the issue relating to the quantum is concerned, considering the fact that the injured claimant has sustained head injury and she was an inpatient for 16 days in the Government Medical College Hospital, Thanjavur and 30% disability has been suffered by her, the quantum of compensation of Rs.95,000/- (Rupees Ninety Five Thousand only) is neither exorbitant nor unreasonable. Therefore, the award is confirmed.



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6. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

There shall be no order as to costs.

31.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Motor Accidents Claims Tribunal,
Additional District and Sessions Court/EC Act Special Court,
Thanjavur.
2. The Regional Manager,
Reliance General Insurance Company Ltd.,
15-A, PLA Kanagu Towers,
11th Cross Street,
Thillai Nagar,
Trichy and Munsif.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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