



C.M.A.(MD).No.843 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.843 of 2016

and

C.M.P(MD) No.7920 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Pudukkottai District.

... Appellant/Respondent

-vs-

1. Karuppiah (Died)

... 1st Respondent/Petitioner

2. Ayyammal

3. Vellaiammal

4. Sundari

5. Savithiri

6. Pandi

7. Vellaisamy

... Respondents 2 to 7/
Proposed Respondents

(Respondents 2 to 7 are brought on record
as legal heirs of the deceased sole respondent
vide order of this Court dated 26.06.2023
made in C.M.P(MD) Nos.7317, 7319 and 6166
of 2023 in C.M.A(MD) No.843 of 2016).

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and award made in M.C.O.P.No.205 of 2010, dated 01.04.2014 on the file of the Motor Accidents Claims Tribunal, Sub Court, Pudukkottai.



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For Appellant : Mr.D.Sivaraman

For Respondents : Mr.T.Lenin Kumar

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the award passed by the Motor Accidents Claims Tribunal/Sub Court, Pudukkottai made in M.C.O.P.No.205 of 2010 primarily on the ground of quantum.

2. The injured claimant was standing on the road side. The bus belonging to the Transport Corporation had dashed against him and in the said accident he had sustained fracture and his left leg has been amputated below the knee. He had also sustained other grievous injuries also.

3. According to the claimant, he was aged about 55 years, working as Timber Merchant, earning a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) per month.



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4. The Transport Corporation had filed a counter disputing the negligence and the quantum.

5. The Tribunal, after considering the oral and documentary evidence, has arrived at a finding that the accident has taken place only due to the rash and negligent driving on the part of the driver of the Transport Corporation. The Tribunal further found that the claimant has sustained grievous injuries in the said accident. The Wound Certificate was marked as Ex.P.2, Medical Bills were marked as Ex.P3 and the Disability Certificate which is marked as Ex.P. 8 indicates that the claimant had sustained 70% disability. Thereafter, the Tribunal has proceeded to award a sum of Rs.2,10,000/- (Rupees Two Lakhs and Ten Thousand only) towards disability, a sum of Rs.10,000/- (Rupees Ten Thousand only) towards pain and sufferings, a sum of Rs.5,000/- (Rupees Five Thousand only) towards Extra Nourishment, a sum of Rs.5,000/- (Rupees Five Thousand only) towards Transport Expenses and a sum of Rs. 1,71,520/- (Rupees One Lakh Seventy One Thousand Five Hundred and Twenty only) towards Medical Bills. Totally, a sum of Rs.4,01,520/- (Rupees Four Lakhs One Thousand Five Hundred and Twenty only) was awarded. This award is under challenge in the present appeal.



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6. According to the learned counsel appearing for the appellant, the accident has taken place only due to the negligence on the part of the claimant who had suddenly tried to cross the road without seeing the oncoming traffic and invited the said accident.

7. It is seen from the oral evidence on either side that the injured claimant was standing in the corner of the road and bus had dashed against him at about 6.30 p.m. Therefore, the contention of the learned counsel for the appellant that the accident has taken place only due to the negligence on the part of the injured claimant is not legally sustainable.

8. Ex.P8, Disability Certificate indicates that the injured claimant has sustained 70% disability and a sum of Rs.3,000/- (Rupees Three Thousand only) has been awarded for each percentage of the disability. The Tribunal has awarded reasonable amount under the conventional heads.



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9. Therefore, this Court does not find any merits in the appeal. Accordingly, this Civil Miscellaneous Appeal stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2023

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

1. The Motor Accidents Claims Tribunal,
Sub Court, Pudukkottai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR,J.

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