



C.M.A(MD)No.336 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**C.M.A(MD)No.336 of 2020
and
C.M.P(MD)Nos.4372 of 2020**

The Managing Director,
Tamilnadu State Transport Corporation,
having its office at New Railway Station Road,
Kumbakonam Town & Taluk,
Thanjavur District. ...Appellant/Respondent

.VS.

S.Ramalingam
represented by his wife R.Pazhaniammal,
Sethurayar Theru,
Thondarampattu West,
Thirumangalakkottai (Post),
Orathanadu (Taluk),
Thanjavur District. ...Respondent / Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the order passed in M.C.O.P.No. 561 of 2017 dated 20.04.2019 on the file of the Motor Accident Claims Tribunal (Special District Court), Thanjavur.

For Appellant :Mr.P.M.Vishnuvarthanan

For Respondents :Mr.R.Maheswaran



C.M.A(MD)No.336 of 2020

JUDGMENT

WEB COPY

[Judgment of the Court was made by **RMT.TEEKAA RAMAN.,J.**]

This Civil Miscellaneous Appeal is directed against the judgement and award made in M.C.O.P.No.561 of 2017, dated 20.04.2019, on the file of the Motor Accident Claims Tribunal (Special District Court), Thanjavur and to set aside the judgment and award.

2. The Transport Corporation is the appellant herein. Challenging the award passed by the Tribunal in M.C.O.P.No.561 of 2017, this appeal has been filed on the point of quantum. The factum of accident, manner of the accident and the rash and negligent driving on the part of the driver of the transport corporation was not agitated before this Court, accordingly, the finding rendered to that effect by the Tribunal is hereby confirmed.

3. On the point of quantum of compensation, both counsel heard.

4. The appellant, who is the wife of injured was examined as P.W.1, doctor Mr.Rathinasabapathy was examined as P.W.1 and



C.M.A(MD)No.336 of 2020

marked Ex.P1 to Ex.P29. As per the evidence of P.W.2 doctor Rathinasabapathy, injured is in Coma stage and hence, his wife Pazhaniammal was examined as P.W.1.

5. The notional income was fixed by the tribunal at Rs.7,500/- and for attendant charges Rs.2,00,000/- has been granted. This is the two core issue that was agitated by the learned counsel for the appellant/Transport Corporation before this Court. We have given our anxious consideration to the said submission made by the learned counsel for the appellant/transport corporation. The nature and place of avocation of the injured is not in dispute, namely, document writer on the date of accident viz., 10.09.2015. The notional income fixed by the tribunal cannot be termed as excessive. The tribunal based upon the medical evidence placed before the Court, has rightly come to the conclusion that the personal disability is amounting to functional disability at 100% and hence, the tribunal has rightly come to the conclusion and decided with regard to the pecuniary loss and we find no error in the same.

6. The Tribunal has awarded a sum of Rs.2,00,000/- towards attendant charges. On the date of accident i.e., on 10.09.2015 the injured was aged about 54 years, it has to be looked after till his



C.M.A(MD)No.336 of 2020

death and hence, we do not find no error in the award of attendant charge and it is not highly exorbitant. Accordingly, we do not find any merit in the appeal.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed and the judgment and award passed by the Motor Accident Claims Tribunal (Special District Court) Thanjavur in M.C.O.P.No.561 of 2017, dated 20.04.2019 is confirmed. The appellant - Transport Corporation is directed to deposit the award amount with proportionate accrued interest and costs, less the award amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is entitled to withdraw her award amount along with proportionate accrued interest and cost, less the amount already withdrawn, if any, by filing necessary application before the tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
am

[T.K.R.,J.] [P.B.B.,J.]
16.10.2023



C.M.A(MD)No.336 of 2020

WEB COPY

To

Motor Accident Claims Tribunal,
(Special District Court), Thanjavur.



WEB COPY



C.M.A(MD)No.336 of 2020

RMT.TEEKAA RAMAN,J.
AND
P.B.BALAJI,J.

am

JUDGMENT MADE IN
C.M.A(MD)No.336 of 2020

16.10.2023