



C.M.A.(MD).No.299 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.299 of 2017

Lakshmanan

..... Appellant/ Petitioner

-vs-

The Administrative Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai.

.... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the fair and decretal order, dated 27.02.2014, made in M.C.O.P.No.24 of 2012, before the Motor Accidents Claims Tribunal (Sub Court, Paramakudi).

For Appellant : Mr.D.Senthil
For Respondent : Mr.N.Sudalaiyandi

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the claimant in M.C.O.P.No.24 of 2012 seeking enhancement of compensation.



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2. According to the claimant, he is the owner/driver and he was driving the lorry in a four way road on 30.04.2011 from Paramakudi to Vathalagundu at about 6.10 a.m. The bus belonging to the respondent Corporation was driven in a rash and negligent manner and dashed against the petitioner's lorry and the lorry got capsized. According to the petitioner, he was admitted as an in-patient from 30.04.2011 to 02.05.2011 and he incurred medical expenses to the tune of Rs.60,000/- (Rupees Sixty Thousand only). He had further contended that he could not drive the lorry for nearly six months and incurred loss of Rs.56,000/- (Rupees Fifty Six Thousand only). He further contended that the lorry had to be repaired at the cost of Rs.3,00,000/- (Rupees Three Lakhs only). Therefore, he claimed a sum of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) towards compensation from the Transport Corporation.

3. The Transport Corporation has filed a counter contending that only the claimant was negligent in driving the lorry and disputed the quantum of compensation claimed by the claimant. The Tribunal has arrived at a finding that the claimant has not produced any documents to establish that he is the owner of the lorry and rejected the claim relating to the repair charges of the



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lorry. The Tribunal further found that the claimant was entitled to only a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards compensation for simple injuries and pain and suffering caused to him. Challenging the said order, the present appeal has been filed by the claimant.

4. According to the learned counsel appearing for the claimant he is the owner of the lorry and that the documents could not be produced during trial and his name is reflected in the Ex.P3, Motor Vehicle Inspector's Report. He further contended that he had incurred huge expenses for repairing the lorry that capsized in the accident. He further contended that the compensation amount has to be enhanced for pain and suffering and the injuries sustained by him.

5. Per contra, the learned counsel appearing for the respondent Transport Corporation had contended that no documents have been placed before the Court relating to the injuries sustained by the claimant and also there are no documents to establish the ownership of the lorry by the petitioner. Hence, he prayed for sustaining the award passed by the Tribunal.



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6. I have carefully considered the submissions made by the learned counsel on either side.

7. The claimant had claimed that he is the owner of the lorry bearing No.TN39R 6723. Except the fact that the name is reflected in the Motor Vehicle Inspector's Report, no other documents have been placed before the Court to establish the claimant is the owner of the said lorry. Therefore, the claim made by the appellant towards repairing charges of the said lorry is not legally sustainable.

8. The claimant has further prayed for compensation for the injuries sustained by him in the accident. Though the claimant has contended that he was treated as inpatient for three days, no records have been placed before the Court. Even no medical certificate or prescription has been placed before the Court to prove that the petitioner has sustained injuries in the said accident. However, considering the fact that the lorry got capsized, the Tribunal was pleased to award a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards simple injury and pain and suffering.



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9. Therefore, this Court does not find any merit for enhancement of compensation awarded by the Tribunal. Accordingly, this Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

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

1. The Motor Accidents Claims Tribunal,
Sub Court, Paramakudi.
2. The Administrative Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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