



C.M.A.No.936 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.936 of 2021

and C.M.P.No.5323 of 2021

The Regional Manager,
A.P.S.R.T.C. Ltd.,
Tirupathi, Andhra Pradesh.

...Appellant

Vs.

Raman

...Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award and Decree dated 18.07.2016 passed by the learned Special Subordinate Judge, Krishnagiri in M.C.O.P.No.726 of 2014 is praying to set aside the above said Award and Decree against this appellant.

For Appellant : Ms.G.V.Shoba

For Respondent : No appearance

J U D G M E N T



C.M.A.No.936 of 2021

WEB COPY

This appeal is filed by the appellant Transport Corporation Challenging the Award and Decree passed by the learned Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri in M.C.O.P.No.726 of 2014 dated 18.07.2016.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant and the respondent is the Transport Corporation.

4.The brief facts of the case are as follows:

According to the petitioner, on 07.05.2014, the petitioner proceeded in his Hero Honda bike bearing Registration No.TN-24 S-2835. The petitioner drove the same at about 15.30 hours while proceeding on Krishnagiri to Kuppam Road at Thangadi Kollai near Fish shop, at that time, the APSRTC Bus bearing Registration No.AP-28 Z-3923 belonging to the respondent was driven by its driven from Kuppam



C.M.A.No.936 of 2021

WEB COPY

to Krishnagiri Road in a rash and negligent manner with high speed, lost his control and dashed against the bike. Due to the impact, the petitioner fell down and sustained multiple injuries. Immediately, the petitioner was taken to the Government Hospital, Krishnagiri and after the first aid, he was taken to Sparsh Hospital, Bangalore and admitted there as inpatient and subsequently, the petitioner underwent private treatment. A criminal case was registered in Crime No.202/2014 under Section 279, 337 and 304 (A) of IPC by Kandhikuppam Police. The petitioner filed a claim petition in M.C.O.P.No.726 of 2014, the Tribunal has awarded a sum of Rs.4,92,500/- as compensation.

5.Learned counsel for the appellant submitted that the injury sustained by the respondent is only a simple injury. However, the Doctor assessed 50% permanent disability, calculated Rs.3,000/- per percentage of disability and awarded a sum of Rs.1,50,000/-, and in respect of other heads, the Tribunal has awarded a sum of Rs.50,000/- for future expenses, Rs.75,000/- for pain & suffering and Rs.75,000/- for loss of



C.M.A.No.936 of 2021

WEB COPY

amenities & enjoyment of life which are highly excessive. Hence, he prayed for appropriate orders.

6.Heard learned counsel appearing for the appellant and perused the materials available on record.

7.Though the notice has been served and the name of the respondent having been printed in the cause list, there is no representation either in person or through counsel. Considering the pendency of the appeal, this court is inclined to dispose of the appeal based on the materials available on record.

8.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation.

9.Before the Tribunal, the petitioner was examined as PW1, Dr.M.Devendiran who treated the petitioner was examined as PW2 and



C.M.A.No.936 of 2021

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on the side of the petitioner, 7 documents were marked as Exs.P1 to P7.

On the side of the respondent, no witness was examined and no document was marked.

10.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.1,50,000/- for permanent disability, Rs.1,09,000/- for medical expenses, Rs.50,000/- for future expenses, Rs.5,000/- for transportation, Rs.3,000/- for extra nourishment, Rs.1,000/- attender charges, Rs.75,000/- for pain and suffering, Rs.75,000/- for loss of amenities & enjoyment of life, Rs.500/- for damage to cloth, Rs.24,000/- for partial loss of income and arrived at a total compensation of Rs.4,92,500/- with interest at the rate of 9% p.a. from the date of petition till the date of realization.

11.The amount awarded under the head permanent disability, medical expenses and partial loss of income, in the opinion of this Court is just and reasonable. The amount awarded under the heads transportation, extra nourishment, attender charges and damage to cloth,



C.M.A.No.936 of 2021

WEB COPY

in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head transportation is enhanced to Rs.20,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head extra nourishment is enhanced to Rs.30,000/- from Rs.3,000/-. Accordingly, the amount awarded under the head attender charges is enhanced to Rs.20,000/- from Rs.1,000/-. Accordingly, the amount awarded under the head damage to cloth is enhanced to Rs.1,000/- from Rs.500/-. This Court is not inclined to award any amount for future prospects and loss of amenities & enjoyment of life.

12. Accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	50% permanent disability (3000 x 50% = Rs.1,50,000/-)	1,50,000/-	1,50,000/-
2.	Medical expenses	1,09,000/-	1,09,000/-



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3.	Future prospects	50,000/-	-
4.	Transportation	5,000/-	20,000/-
5.	Extra nourishment	3,000/-	30,000/-
6.	Attender charges	1,000/-	20,000/-
7.	Pain and suffering	75,000/-	75,000/-
8.	Loss of amenities and enjoyment of life	75,000/-	-
9.	Damage to cloth	500/-	1,000/-
10.	Partial loss of income	24,000/-	24,000/-
	Total	Rs.4,92,500/-	Rs.4,29,000/-

13.The claimant is entitled to a sum of Rs.4,29,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

14.The judgment and decree passed by the Motor Accident Claims Tribunal/Special Subordinate Judge, Krishnagiri in M.C.O.P.No.726 of 2014 dated 18.07.2016, is modified to the above extent.



C.M.A.No.936 of 2021

WEB COPY

15.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs. Consequently, connected miscellaneous petition is closed.

16.The appellant Insurance Company is directed to deposit the modified/enhanced award amount, if not deposited earlier before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment and permitted to withdraw the excess amount, if any. On such deposit being made, the respondent/claimant is permitted to withdraw the amount with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

17.The respondent/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal.

04.12.2024

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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C.M.A.No.936 of 2021

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To

- 1.The Motor Accidents Claims Tribunal,
Special Subordinate Judge, Krishnagiri.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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C.M.A.No.936 of 2021

M.DHANDAPANI, J.

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C.M.A.No.936 of 2021

04.12.2024