



Civil Miscellaneous Appeal No.1524 of 2024

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DATED : 11.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1524 of 2024

K.Kottai @ Kottaisamy

... Appellant

Vs.

The Managing Director,

Tamil Nadu State Transport corporation limited,

Villupuram

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in M.C.O.P.No.7104 of 2017 dated 04.11.2022 on the file of the Motor Accident Claims Tribunal, IV Court of small causes, Chennai.

For Appellant : Mrs.Ramya V Rao

For Respondents : Mr.C.R.Suresh Kumar

JUDGMENT

The claimant not being satisfied with the quantum of compensation has filed the present appeal challenging the award passed



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by the Motor Accident Claims Tribunal, IV Court of small causes,
Chennai in M.C.O.P.No.7104 of 2017 dated 04.11.2022.

2. The case of the claimant is that on 18.09.2015, he was travelling as a passenger in a bus belonging to the respondent Corporation at Ulundurpet to Chennai Road and at about 1.40 hours, when the bus came near Vekateswara ITI college, it dashed on another Government bus going in the front, since the bus was driven in a rash and negligent manner. As a result, the claimant sustained injury on the nose and lower jaw. The Doctor (PW3) assessed the disability at 15%. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation. Having rendered such a finding, the Tribunal proceeded to determine the total compensation payable at Rs.30,000/-



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and directed the same to be paid with interest at the rate of 7.5% per annum.

4. The claimant not being satisfied with the quantum of compensation fixed by the Tribunal has filed the present appeal seeking for enhancement of compensation.

5. Heard Mrs.Ramya V Rao, learned counsel for appellant and Mr.C.R.Suresh Kumar, learned counsel for respondent.

6. This Court carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. The learned counsel for appellant submitted that the doctor, who was examined as PW3 had assessed the disability at 15% and inspite of the same, the Tribunal did not take that into consideration and



proceeded to fix a lump sum compensation of Rs.30,000/-. The learned counsel submitted that a separate compensation must be granted under the head of disability and compensation must also be granted for loss of earnings.

9. In the considered view of this Court, the claimant in this case did not make himself available for assessment before the Medical board. Considering the nature of injuries sustained by the claimant, there is no question of fixing a separate compensation under the head of disability only based on the evidence of PW3. The Tribunal has properly considered the injury sustained and rightly fixed a lump sum compensation of Rs.30,000/-. The award passed by the Tribunal does not require the interference of this Court.

14. In the result, the Civil Miscellaneous Appeal is Dismissed. The respondent Transport Corporation is directed to deposit the entire compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. The other



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directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

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Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH.,J
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To,
Motor Accident Claims Tribunal, IV Court of small causes, Chennai.

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