



WEB COPY



CMA.No.2834 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2834 of 2024 and
C.M.P.No.23296 of 2024

The Managing Director,
Tamilnadu State Transport Corporation Limited,
(TNSTC) (Coimbatore Division - II)
Chennimalai Road, Erode-1.

... Appellant

vs.

1. Thiyagarajan
2. R.S.Shanmugasundaram

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated 24.11.2021 in M.C.O.P.371/2015 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Bhavani.

For Appellant : Mr.M.Murali Vinodh

J U D G M E N T

The present appeal is filed by the appellant, the Managing Director, Tamilnadu State Transport Corporation, Erode, questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bhavani in M.C.O.P.371/2015



CMA.No.2834 of 2024

2. The claimant filed the petition under Section 166 of Motor Vehicles Act, 1989 in M.C.O.P.371/2015 before the Motor Accident Claims Tribunal, Bhavani, seeking compensation of Rs.3,00,000/- for the injuries sustained by him in a road accident which happened on 23.06.2013.

3. The brief case of the claimant is as follows :

On 23.06.2013, the claimant was riding a two wheeler bearing Registration number TN 25 F 3921 on Velli Tiruppur - Kumarapalayam road and at about 9.30 a.m., a speeding bus bearing Registration number TN 33 N 1584 belonging to the appellant, the Tamilnadu State Transport Corporation, hit the two wheeler, as a result of which, the claimant sustained injuries all over his body. He was immediately rushed to AKPM Hospital where he was admitted as an inpatient for three months.

4. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration Number TN 33 N 1584 belonging to the appellant was the cause of the accident and therefore, they are liable to pay compensation to him.



CMA.No.2834 of 2024

5. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the MTC bus bearing Registration number TN 33 N 1584 and awarded compensation of Rs.1,26,625/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation vide, its orders dated 24.11.2021.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellant, Tamilnadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act.

7. Heard Mr.M.Murali Vinodh, learned counsel for the appellant, Tamilnadu State Transport Corporation.

8. Mr.M.Murali Vinodh, learned counsel for the appellant contended that the Tribunal has awarded an exorbitant amount of Rs.1,26,625/- as compensation and the same has to be scaled down.



CMA.No.2834 of 2024

WEB COPY

9. A perusal of records shows that the claimant sustained a fracture on fibula and tibia. The doctor who gave treatment to the claimant assessed the disability of the claimant as 30%. Since there is no functional disability, the Tribunal fixed Rs.3,000/- per percentage of disability and awarded a sum of Rs.90,000/- for partial permanent disability. The award passed by the Tribunal under various heads is shown below:

<i>S.No.</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal</i>
1	Partial permanent disability (30% X 3000)	Rs.90,000/-
2	Loss of Income (Rs.3000 X 3)	Rs.9,000/-
3	Pain and Sufferings	Rs.5,000/-
4	Medical Bills	Rs.16,625/-
5	Extra nourishment	Rs.2,000/-
6	Transportation expenses	Rs.2,000/-
7	Attender's Charges	Rs.2,000/-
	Total	Rs.1,26,625/-

10. The Award passed by the Tribunal cannot be said to be on the higher side and therefore the Civil Miscellaneous Appeal filed by the



CMA.No.2834 of 2024

Tamilnadu State Transport Corporation stands dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral citation : Yes / No
vum

To

- 1.The Motor Accident Claims Tribunal,
Subordinate Court, Bhavani.
2. The Section Officer, VR Section,
Madras High Court, Chennai.



WEB COPY



CMA.No.2834 of 2024

R.HEMALATHA, J.

vum

C.M.A.No.2834 of 2024 and
C.M.P.No.23296 of 2024

22.10.2024