



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1715 of 2024
and CMP No.13701 of 2024

The General Manager
Tamil Nadu State Transport Corporation
Karaikudi,
Sivagangai District.

... Appellant

.vs.

A.Vigneshwari

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 07.12.2021 made in MCOP No.158 of 2017 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvarur.

For Appellant : Mr.M. Muralivinodh

JUDGMENT

The Transport Corporation has filed the present appeal against the award passed by the Tribunal in MCOP No.158 of 2017, dated 07.12.2021.

2.The respondent claimant filed the claim petition on the ground that on



08.11.2015, she was travelling in the bus belonging to the respondent Corporation from Pudukottai to Thanjavur and at about 12.30 p.m., when the bus was approaching Arputhapuram, the driver of the bus is said to have driven the vehicle in a rash and negligent manner and dashed the vehicle in a bridge. As a result of this accident, the claimant sustained mandibular parasymphyseal fracture and avulsed 11". The claimant underwent treatment as an inpatient for three days. The disability of the claimant was assessed at 10% by the Medical Board. 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 appellant Corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,49,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	40,000
2.	Loss of Income	15,000
3.	Pain and Sufferings	20,000
4.	Extra Nourishment	5,000



S.No	Compensation awarded under the head	Amount (in Rs.)
5.	Transport to Hospital	4,000
6.	Attender Charges	5,000
7.	Medical Expenses	2,49,500
8.	Loss of Cloths & Others	1,000
9.	Loss of Amenities	10,000
	Total	3,49,500

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The Transport Corporation aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

6.Heard Mr.M.Muralivinodh, learned counsel appearing on behalf of the appellant.

7.This Court has carefully considered the submissions made by the learned counsel for appellant and also the materials available on record.

8.In the instant case, the claimant was a private Doctor and considering the income tax returns filed by her, the Tribunal fixed only a sum of Rs.15,000/- under



the head of loss of income. Similarly, the Tribunal adopted per percentage method and fixed only a sum of Rs.4,000/- per percentage. Considering the fact that the claimant underwent treatment as an inpatient for three days and considering the injury, the compensation that has been fixed under the other heads are very reasonable. Therefore, this Court does not find any ground to enhance the compensation under any heads.

9. In the light of the above, the award passed by the Tribunal is confirmed and accordingly, this civil miscellaneous appeal stands dismissed. There shall be a direction to the Transport Corporation 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 judgement. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No Costs. Consequently, connected miscellaneous petition is closed.

24.07.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To



The Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvarur.

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N. ANAND VENKATESH., J

SSR

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