



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1396 of 2024
and CMP No.12330 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation,
No.12, Ramakrishna Road, Salem – 7.

..Appellants

.vs.

1.Subramanian

2.Senthil Kumar

3.TATA AIG General Insurance Company Ltd.,
Meenakshi Complex, Near Dubai Bakerym
Saradha College Main Road,
Salem – 7.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award in judgment passed by Motor Accident Claims Tribunal Special Subordinate Court-1, Salem in MCOP No.2408 of 2016 on 07.09.2022.

For Appellants : Mr.D.Nitin

For Respondents : Mr.V.Kumaravelan for R1
Mr.E.Rajadurai for
Mr.M.B.Raghavan for R3



JUDGMENT

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The Transport Corporation has filed the present appeal against the Award passed by the Tribunal in MCOP No.2408 of 2016 dated 07.09.2022.

2.The 1st respondent claimant filed the claim petition on the ground that he was working as a Conductor in the Transport Corporation and that on 10.03.2015, the bus was moving at NH47 High Road and at that point of time, the lorry that was going in front of the bus all of a sudden turned right and as a result, the bus in which the claimant was travelling in his capacity as a Conductor dashed on the lorry and the claimant sustained a fracture in the clavicle bone and also on the left hand and also internal injury in the left eye. Apart from that, he also sustained cut injury on the left front parietal region. Minor injuries were also sustained all over the body. He underwent treatment as an inpatient in two different hospitals for nearly thirty days. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation by the Transport Corporation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence and based on the earlier Award that was passed for the very same accident, 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 fix the total compensation at Rs.3,50,401/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and sufferings	50,000
2.	Medical Expenses	1,49,401
3.	Transportation Charges	10,000
4.	Extra Nourishment	20,000
5.	Attender Charges	10,000
6.	Damage to clothes	1,000
7.	Loss of Amenities	10,000
8.	Permanent Disability	100,000
	Total	3,50,401

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 liability fastened against the Corporation has filed the present appeal before this Court. The Transport Corporation has also questioned the quantum of compensation fixed by the Tribunal.

6.Heard Mr.D.Nitin, learned counsel appearing on behalf of the appellant, Mr.V.Kumaravelan, learned counsel appearing on behalf of the 1st respondent and Mr.E.Rajadurai, learned counsel appearing on behalf of the 3rd respondent.



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7. This Court has carefully considered the submissions made on either side and also the materials available on record.

8. In the considered view of this Court, insofar as the negligence is concerned, in a connected case arising out of the same accident, it was held that the accident had taken place only due to the rash and negligent driving on the part of the driver of the Transport Corporation. This Award was taken into consideration by the Tribunal apart from independently appreciating the evidence available on record. Ultimately, the Tribunal concluded that the accident took place only due to rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation. This finding rendered by the Tribunal does not suffer from any illegality warranting interference of this Court.

9. Insofar as the quantum of compensation is concerned, the compensation granted by the Tribunal is very reasonable and it does not require the interference of this Court.

10. In the light of the above discussion, 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.

21.06.2024

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

To

The Motor Accident Claims Tribunal Special Subordinate Court-1, Salem



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N. ANAND VENKATESH., J

SSR

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