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CMA.No.1937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.1937 of 2024

Manoj Kumar

.... Appellant

vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram Division)
Koyembedu Bus Terminus C.M.B.T.
Koyembedu, Chennai 107.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 26.04.2023 in M.C.O.P.1505/2019 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Ms. G. Anitha

Respondent : Mr. C.R. Sureshkumar



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CMA.No.1937 of 2024

JUDGMENT

The appellant is the claimant in M.C.O.P.1505/2019 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, and he filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 and Rule 3 of M.A.C.T Rules, seeking compensation of Rs.8,00,000/- for the injuries sustained by him in a road accident that occurred on 10.02.2019.

2. The case of the claimant is that on 10.02.2019, he was travelling as a passenger in a TNSSTC Government bus bearing Registration Number TN 25 N 0283, on Vandavasi-Chetpet Road and when the bus was nearing Ponnur Hill, the driver of the bus drove the bus in a rash and negligent manner and hit a stone as result of which the claimant fell down in the bus and sustained injuries all over his body. He was immediately rushed to Melmaruvathur Adhiparasakthi Institute of Medical Sciences and Research, where he was treated as an inpatient for 7 days.



CMA.No.1937 of 2024

WEB COPY

2.1. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration Number TN 25 N 0283 belonging to the Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore they are liable to pay compensation to him.

3. The respondent Tamil Nadu Transport Corporation Limited resisted the claim petition by filing its counter.

4. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the bus bearing Registration Number TN 25 N 0283 and directed the respondent Tamil Nadu Transport Corporation to pay compensation of 2,03,958/- to the appellant/claimant together with interest at the rate of 7.5% per annum from the date of the petition till the date of realisation.

5. Aggrieved over the quantum of compensation awarded by the



CMA.No.1937 of 2024

Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Ms.G. Anitha, learned counsel appearing for the appellant and Mr.C.R. Sureshkumar, learned counsel appearing for the respondent Tamil Nadu State Transport Corporation.

7. Ms.G. Anitha, learned counsel for the appellant contended that the Award passed by the Tribunal is not commensurate with the injuries sustained by the claimant. She, therefore, prayed for enhancement of compensation.

8. Per contra, Mr.C.R.Sureshkumar, learned counsel appearing for the respondent/Tamil Nadu State Transport Corporation contended that the Tribunal, after analysing the evidence on record, had awarded just compensation and therefore the same need not be disturbed in the present appeal.

9. A perusal of the discharge summary (Ex.P3) shows that the



CMA.No.1937 of 2024

claimant sustained fracture on 'left shaft of tibia' and was admitted as an inpatient from 10.02.2019 to 16.02.2019 in Melmaruvathur Adhiparasakthi Institute of Medical Sciences and Research. The age of the claimant was 23 years on the date of accident. He was a final year B.E. student. The Medical Board attached to Government Kilpauk Medical College Hospital, Chennai, assessed the partial permanent disability of the claimant as 20%. Since there is no functional disability, the Tribunal fixed a sum of Rs.5,000/- per percentage of disability and awarded a sum of Rs.1,00,000/- towards partial permanent disability. Considering the age of the claimant and the year of accident, a sum of Rs.7,000/- per percentage of disability is awarded. Hence, a sum of Rs.1,40,000/- is awarded towards partial permanent disability. The Tribunal had awarded just compensation on the other heads and therefore, the same need not be disturbed in the present appeal.

9.1. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court under various heads.



CMA.No.1937 of 2024

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Partial permanent disability	1,00,000/- (20x5000)	1,40,000/- (20x7000)
2.	Medical Expenses	28,458/-	28,458/-
3.	Pain and sufferings	30,000/-	30,000/-
4.	Transportation expenses	5,000/-	5,000/-
5.	Extra nourishment	10,000/-	10,000/-
6.	Damages to clothes	2,000/-	2,000/-
7.	Attender charges	3,500/-	3,500/-
8.	Loss of amenities	25,000/-	25,000/-
	Total	2,03,958/-	2,43,958/-

9.2. Thus, the compensation awarded by the Tribunal is enhanced to Rs.2,43,958/- that would carry interest at the rate of 7.5% per annum.

10. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced to Rs.2,43,958/-.



CMA.No.1937 of 2024

WEB COPY

- iii. The appellant / claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The Respondent, the Tamil Nadu State Transport Corporation Limited, is directed to deposit the enhanced compensation amount of Rs.2,43,958/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.1505/2019 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order.
- v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.
- vi. The appellant/claimant is not entitled to claim any interest for the period of delay of 98 days in filing this appeal.

01.10.2024

Index : Yes/No
Speaking/Non-speaking order
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CMA.No.1937 of 2024

To

1. Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.
2. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram Division)
Koyembedu Bus Terminus C.M.B.T.
Koyembedu, Chennai 107.
3. The Section Officer, VR Section, Madras High Court, Chennai.



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CMA.No.1937 of 2024

R.HEMALATHA, J.

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C.M.A.No.1937 of 2024

01.10.2024