



C.M.A.No.1960 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.1960 of 2020

and

C.M.P.No.14469 of 2020

The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.

... Appellant

Vs.

S.Satheeshkumar

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 04.02.2020 made in MCOP.No.120 of 2019 on the file of Motor Accident Claims Tribunal / Special Sub-Court, Krishnagiri.

For Appellant : Mr.K.Ponraj for
M/s.D.Raghu

For Respondent : Mrs.L.Manisha



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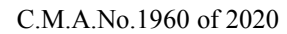
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JUDGMENT

The above appeal is filed by the appellant/Transport Corporation seeking to set aside the Judgment and Decree dated 04.02.2020 passed in MCOP.No.120 of 2019 by the Motor Accident Claims Tribunal / Special Sub-Court, Krishnagiri.

2. It is the case of the appellant / Transport Corporation that, on 23.05.2016 at about 3:30 am, when the respondent / claimant was travelling in a bus belonging to the appellant Corporation bearing Regn.No.TN 45 N 2946, at that time the driver of the appellant Corporation came in a rash and negligent manner and dashed the lorry which came in the opposite direction, due to which, the respondent / claimant sustained permanent disability. Therefore, the first respondent had filed a claim petition claiming a sum of Rs.50,00,000/- for the injuries sustained by him in the said accident.

3. Before the Tribunal, the claimant / first respondent had examined P.W.1 and marked Exhibits P.1 to Ex.P.5. On the side of the appellant / Transport Corporation, they examined R.W.1 and marked



4. The learned counsel appearing for the appellant / Transport Corporation submitted that, due to the rash and negligent driving of the driver of the lorry, the respondent sustained grievous injuries all over his body. Though the injured was working as a bakery master at the relevant time, however, without considering the oral and documentary evidence, the Tribunal has fixed the notional income of the deceased as Rs. 9,900/- which is highly excessive. The other heads awarded by the Tribunal are also on the higher side and the same requires interference.

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same does not require any interference. Accordingly, she prays for dismissal of the appeal.

6. Heard the learned counsel appearing for the appellant and the learned counsel appearing on behalf of the respondent and perused the materials available on record.

7. Admittedly, the accident happened on 23.05.2016. In order to prove the said incident, the claimant has examined himself as P.W.1. who categorically deposed before the Tribunal that the accident had occurred solely due to the driver of the appellant Corporation Bus. However, in order to disprove the same no independent eye witness has been examined on behalf of the appellant / Transport Corporation. However, since, reducing under one head and giving under the other head would result in the amount to be awarded to be the same and no useful purpose would be served in modifying the compensation under the heads, while the compensation amount would remain the same, which would be nothing but an exercise in futility, therefore, this Court is not embarking upon the said modification, but suffice to confirm the compensation



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awarded by the Tribunal.

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8. For the reasons aforesaid, this Appeal stands dismissed, confirming the award passed by the tribunal in MCOP.No.120 of 2019 dated 04.02.2020 and the appellant is directed to deposit the compensation of **Rs.18,28,168/-** awarded by the tribunal to the credit of MCOP.No. 120 of 2019 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the Tribunal is directed to transfer the said amount to the respondent / claimant directly to his bank account through RTGS within a period of two (2) weeks thereafter. There shall be no order as to costs in this appeal. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

1. Motor Accident Claims Tribunal / Special Sub-Court, Krishnagiri.
2. The Section Officer, V.R.Section, High Court, Madras.

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