



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2222 of 2023 &
C.M.P. No.21343 of 2023

Tamil Nadu State Transport Corporation
Kumbakonam Division Limited,
Railway Station Road,
Kumbakonam,
Represented by its General Manager

... Appellant

..Vs..

Kumar

...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award passed by the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Perambalur, in M.C.O.P.No.1058 of 2016 dated 16.03.2023.

For Appellant : Mr.M. Murali Vinodh

For Respondent : Mr. S.P. Yuvaraj

JUDGMENT

Questioning the quantum of compensation awarded by the Tribunal, the present appeal is filed by the Tamil Nadu State Transport Corporation Limited, Kumbakonam.



2. The respondent filed a Claim Petition under Section 166 of the Motor Vehicles Act in M.C.O.P. No.1058/2016 before the Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Perambalur, seeking compensation of Rs.61,40,481/- for the injuries sustained by him in a road accident that took place on 11.09.2015.

3. The case of the respondent/complainant is that on 11.09.2015, at about 12.45 p.m, when he was travelling in a bus bearing Registration No.TN 45 N 3341, belonging to the appellant (the Tamil Nadu State Transport Corporation), from Madurai to Trichy, the driver of the bus drove the bus rashly and negligently and rear ended a lorry bearing Registration No.TN 57 W 0977 which in turn hit another lorry bearing Registration No. TN 28 AL 1156, which was going ahead of it. The passengers in the bus including the present claimant sustained injuries. According to the claimant, the rash and negligent driving of the driver of the Transport Corporation bus was the cause of accident and therefore the Transport Corporation is liable to pay compensation to him.

4. The tribunal after analysing the evidence on record, fixed the negligence on the part of the appellant, the Tamil Nadu State Transport



Corporation, and awarded a compensation of Rs.22,47,400/- to the respondent/complainant together with interest at the rate of 7.5% per annum from the date of the petition till the date of realisation. Questioning the quantum of compensation, the Tamil Nadu State Transport Corporation, Trichy Region, Kumbakonam, has filed the present appeal.

5. Heard Mr.M. Murali Vinodh, learned counsel for the appellant and Mr. S.P. Yuvaraj, learned counsel for the respondent.

6. Mr.M. Murali Vinodh, learned counsel for the appellant contended that though the Medical Board assessed the Partial Permanent Disability of the claimant as 25%, the Tribunal had enhanced the same as 40% without any basis and prayed for scaling down the Award amount passed by the Tribunal.

7. Per contra, Mr. S.P. Yuvaraj, learned counsel appearing for the respondent/claimant contended that the Award passed by the Tribunal is based on the well laid down principles of law which were in vogue at the time of passing of the order and therefore, the same need not be



disturbed at this stage.

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8. The respondent/claimant had sustained grievous injuries in the road accident that took place on 11.09.2015 and the Medical Board had assessed the disability as 25%. He had actually sustained a fracture on his left lower limb and a surgery was performed and thereafter the Social Welfare Department assessed the disability as 45% and this is evidenced by the disability certificate (Ex.P21) issued by the said department. Considering these two disability certificates, the Tribunal had, by a well considered order, fixed 40% as partial permanent disability. The Award passed by the Tribunal is also commensurate with the nature of injuries sustained by the claimant. In the circumstances, I do not see any reason to interfere with the same. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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1. The Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Perambalur.
2. The Section Officer, VR Section, High Court, Madras.



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R. HEMALATHA, J.

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