



WEB COPY



CMA.No.253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.253 of 2023

D.Velmurugan

... Appellant

vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Villupuram Division)
No.3/137, Salamedu Vazhuthareddy,
Villupuram - 605 602.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award, dated 30.03.2022 in M.C.O.P.2438/2015 on the file of the Motor Accident Claims Tribunal, I Additional District & Sessions Judge, Cuddalore.

For Appellant : Mrs.Ramya V.Rao
For Respondent : Mr.S.S.Santhosh Kumar

J U D G M E N T

The appellant is the claimant in M.C.O.P.No.2438/2015 on the file of the Motor Accident Claims Tribunal, Cuddalore. He filed the claim petition under Section 166 (1) of the Motor Vehicles Act, 1988, seeking compensation of Rs.10,00,000/- for the injuries sustained by him in a road accident which happened on 06.06.2015.

2. The brief case of the appellant / claimant is as follows :



CMA.No.253 of 2023

On 06.06.2015, D.Velmurugan was travelling as a pillion rider on a bicycle on Semakottai-Salem National highways. When he was nearing Government High School at Semakottai, a bus bearing Registration number TN-32-N-4054 belonging to the Tamilnadu State Transport Corporation, hit the bicycle, as a result of which, the claimant sustained injuries all over his body. He was immediately rushed to Government hospital, Panruti, from where he was referred to Government Hospital, Cuddalore. Subsequently, he got admitted himself as an inpatient in JIPMER hospital, Pondicherry.

3. According to the claimant, the rash and negligent driving of the driver of the bus bearing Registration Number TN-32-N-4054 belonging to the respondent Transport Corporation was the cause of the accident and therefore, the respondent is liable to pay compensation to them.

4. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the bus belonging to the respondent and awarded compensation of Rs.96,817/- together with interest at the



CMA.No.253 of 2023

rate of 7.5% per annum from the date of petition till the date of realisation,
vide its orders dated 30.03.2022.

5. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellant / claimant has filed the present appeal under Section 173 of the Motor Vehicles Act.

6. Heard Mrs.Ramya V.Rao, learned counsel appearing for the appellants and Mr.S.S.Santhosh Kumar, learned counsel for the second respondent.

7. A perusal of the records shows that the claimant had sustained fracture on his Left Orbital bone and dislocation of left hip. The Medical Board attached to Government Hospital, Cuddalore assessed the partial permanent disability of the claimant as 14%. Since there is no functional disability, the compensation of Rs.56,000/- awarded by the Tribunal towards partial permanent disability cannot be found fault with. Considering the nature of injuries sustained by the claimant, a sum of Rs.25,000/- is awarded for pain and sufferings, Rs.10,000/- for loss of



CMA.No.253 of 2023

amenities and Rs.5,000/- for attender's charges.

WEB COPY

8. The award passed by the Tribunal under various heads is modified as stated below:

<i>S.No.</i>	<i>Heads</i>	<i>Award of the Tribunal</i>	<i>Award of this Court</i>
1	Partial Permanent Disability at 14%	Rs.56,000/- (4,000 X 14%)	Rs.56,000/- (4,000 X 14%)
2	Medical Bills	Rs.9,817/-	Rs.9,817/-
3	Pain and sufferings	Rs.10,000/-	Rs.25,000/-
4	Transportation charges	Rs.5,000/-	Rs.10,000/-
5	Loss of income for the period of four months	Rs.16,000/-	Rs.40,000/- (10,000 X 4)
6	Loss of amenities	Nil	Rs.10,000/-
7	Attender's charges	Nil	Rs.5,000/-
	Total	Rs.96,817/-	Rs.1,55,817/-

9. Thus, the compensation awarded by the Tribunal is enhanced to Rs.1,55,817/- which 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



CMA.No.253 of 2023

Rs.1,55,817/- .

WEB COPY

- iii. The respondent, the Tamilnadu State Transport Corporation is directed to deposit the modified compensation amount i.e. Rs.1,55,817/- (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 within a period of four weeks from the date of receipt of a copy of this order / uploading of this order to the credit of M.C.O.P.2438/2015 on the file of the Motor Accidents Claims Tribunal, I Additional District & Sessions Judge, Cuddalore.
- iv. On such deposit being made the claimant is permitted to withdraw the same with accrued interest and costs, after following due process of law.
- v. The appellants/claimants are not entitled to claim any interest for the period of delay of 20 days in filing this appeal.

11.09.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes / No
vum

R.HEMALATHA, J.

vum

To

5/6



CMA.No.253 of 2023

WEB COPY

1.The Motor Accidents Claims Tribunal,
I Additional District & Sessions Judge, Cuddalore

2.The Section Officer, VR Section,
Madras High Court, Chennai.

C.M.A.No.253 of 2023

11.09.2024

(1/2)