



C.M.A.No.141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.141 of 2024
& CMP.No.1381 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram.

...Appellant

Vs

Ponnusamy

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 07.12.2021 made in MCOP.No.294 of 2019 on the file of the Special Subordinate Judge, Motor Accident Claims Tribunal No.II, Tiruvallur and be pleased to modify the award amount as against the appellant.

For Appellant : Mr.K.J.Sivakumar



JUDGMENT

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This civil miscellaneous appeal has been filed set aside the judgement dated 07.12.2021 made in MCOP.No.294 of 2019.

2. The learned counsel for the appellants would submit that on 21.12.2018, while the claimant was riding the motor cycle bearing Registration No.TN-20-CK-8056 from his residence to Sriperumbudur at Sriperumbudur Highway, a Government bus Route No.82C came in a rash and negligent manner and hit against the claimant, due to which he sustained grievous injuries. Considering all the aspects the Tribunal had awarded the following compensation:

<i>S.No</i>	<i>Particulars</i>	<i>Compensation (Rs.)</i>
1	Loss of Income	70,200
2	Physical Disability	1,50,000
3	Medical Expenses	4,44,394
4	Transport Expenses	2,000
5	Extra Nourishment	12,000
6	Damage to Clothing and Articles	1,000
7	Pain and Sufferings	40,000
8	Attender Charges	4,000
9	Loss of Happiness and Amenities	40,000
	Total	7,63,594



3. By referring the above compensation, he would request this Court to re-determine the compensation awarded towards disability and loss of income, which are on higher side.

4. Heard the learned counsel for the appellant and also perused the materials available on record.

5. In the present case, the Tribunal has taken the disability of the injured as 30% and awarded a sum of Rs.5,000/- per percentage. Since the accident occurred in the year 2018, the said compensation awarded towards disability appears to be just and reasonable. Hence, the same stands confirmed.

6. As far as the compensation awarded under the head loss of income is concerned, the Tribunal has taken only a sum of Rs.11,700 per month, for a period of 6 months, which also appears to be very just and reasonable. Hence, the same stands confirmed.



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7. In view of the above, since there is no merits in the present appeal, this

Court is inclined to confirm the compensation awarded by the Tribunal.

8. In the result, this Civil Miscellaneous Appeal is dismissed and the appellant/Transport Corporation is directed to deposit the compensation along with interest and costs, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of a copy of this judgment, to the credit of MCOP.No.294 of 2019 on the file of the Special Subordinate Judge, Motor Accident Claims Tribunal No.II, Tiruvallur. Thereafter, the Tribunal is directed to immediately transfer the entire amount to the bank account of the claimant by way of RTGS, within a period of 3 weeks from the date of deposit and from the date of receipt of the Bank details obtained for the claimant or application for withdrawal from the claimant, whichever is earlier. No costs. Consequently, the connected miscellaneous petition is also closed.

24.01.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

nsa



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To:

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The Motor Accident Claims Tribunal,
Special Court, Tiruvallur.



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KRISHNAN RAMASAMY,J.

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