



C.M.A.No.2409 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**C.M.A.No.2409 of 2019
And
C.M.P.No.10990 of 2019**

The Regional Officer,
Andhrapradesh State
Transport Corporation Ltd.,
Tirupathi.

... Appellant

Vs.

P.Dhanasekhar

... Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Hon'ble Subordinate Judge, Motor Accidents Claims Tribunal at Tiruttani in M.C.O.P.No.148 of 2014 dated 24.06.2015.

For Appellant : M/s.G.V.Shoba
For Respondent : No Appearance

J U D G M E N T

The respondent before the Motor Accidents Claims Tribunal is the appellant herein. This appeal has been filed against the judgment and decree dated 24.06.2015 passed by the learned Subordinate Judge,



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Motor Accidents Claims Tribunal at Tiruttani, in M.C.O.P.No.148 of 2014.

2.The learned counsel appearing for the appellant submitted that the respondent claimant filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.4 Lakhs alleging that on 27.08.2007 at about 2.30 p.m., the respondent travelled as pillion rider in the motorcycle bearing Registration No.TN-20-C-9906 on Nagari to Nagalapuram Road, near Parkin Textiles, T.R.Kandigai. At that time, the driver of the APSRTC Bus bearing Registration No.AP-9-Z-9070, which came in the opposite direction, drove the vehicle in a rash and negligent manner and hit against the motorcycle, due to which, the respondent sustained injuries. After adjudication, the Tribunal awarded a sum of Rs.2,96,500/- as compensation to the claimant along with interest at 7.5% p.a. from the date of filing of the petition till the date of realisation with costs and directed the appellant to deposit the amount.

3.The learned counsel appearing for the appellant further submitted that aggrieved by the quantum of compensation awarded by the Tribunal, this appeal has been filed. The learned counsel further



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submitted that the accident is of the year 2007, however, the claim petition was filed only in the year 2014 and further submitted that only Rs.1,000/- per percentage of disability should have been awarded, however, the Tribunal inadvertently awarded a sum of Rs.3,000/- per percentage of disability, which is onerous and further submitted that the amount awarded under the other heads are also on the higher side.

4.Heard the learned counsel appearing for the appellant. Though the name of the respondent has been printed in the cause list, there is no representation for the respondent. Considering the pendency of the civil miscellaneous appeal, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.This appeal has been filed only questioning the quantum of compensation awarded by the Tribunal. Hence, there is no need for any discussion with regard to negligence aspect.

6.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.2,10,000/- for disability, Rs.10,000/- for transportation, Rs.10,000/- for extra nourishment, Rs.50,000/- for



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pain and sufferings, Rs.7,500/- for medical bills, Rs.9,000/- for loss of income and arrived at a total compensation of Rs.2,96,500/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

7.The Doctor has assessed the disability of the injured claimant as 70% disability. At the relevant point of time Rs.2,000/- per percentage of disability was awarded. Hence, amount awarded for disability works out to Rs.1,40,000/- [70% X Rs.2,000/- = Rs.1,40,000/-]. The amount awarded under the other heads in the opinion of this Court are just and reasonable and the same are confirmed.

8.Accordingly, the compensation amount is re-assessed as follows:

S.No.	Description	Amount Awarded by the Tribunal	Amount Awarded by this Court
1.	Disability	Rs.2,10,000/-	Rs.1,40,000/-
2.	Extra nourishment	Rs. 10,000/-	Rs. 10,000/-
3.	Transportation	Rs. 10,000/-	Rs. 10,000/-
4.	Pain and suffering	Rs. 50,000/-	Rs. 50,000/-
5.	Medical bills	Rs. 7,500/-	Rs. 7,500/-
6.	Loss of income	Rs. 9,000/-	Rs. 9,000/-
	Total	Rs.2,96,500/-	Rs.2,26,500/-



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9.The respondent claimant is entitled to total compensation of Rs.2,26,500/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.The civil miscellaneous appeal is partly allowed. The judgment and decree dated 24.06.2015 passed by the learned Subordinate Judge, Motor Accidents Claims Tribunal at Tiruttani, in M.C.O.P.No.148 of 2014, is modified to the above extent.

11.The appellant Transport Corporation is directed to deposit the modified award amount before the Tribunal less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment. The appellant is permitted to withdraw the excess amount, if any, already deposited by them.

12.On such deposit, the respondent/ claimant is permitted to withdraw the modified award amount with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.



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13.The civil miscellaneous appeal is partly allowed. No costs.
Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Subordinate Judge,
Motor Accidents Claims Tribunal at Tiruttani.

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