

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1193 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram - 605 602.

... Appellant/Respondent

vs.

G.Pachai Ammal

... Respondent / Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 17.03.2014 made in MCOP No.1376 of 2008 on the file of the Motor Accident Claims Tribunal, II Small Causes Court.

For Appellant : M/s.K.J.Sivakumar
For Respondent : Mr.P.Chinnaraj

J U D G M E N T

The appeal has been preferred by the transport corporation against the award of Rs.2,28,660/- awarded by the tribunal as compensation for the injuries sustained by the respondent/claimant in the accident occurred on 10.12.2007.

2. Heard Mr.K.J.Sivakumar, learned counsel appearing for the appellant/transport corporation and Mr.P.Chinnaraj, learned counsel appearing for the respondent/claimant.

3. The only question to be decided is with regard to the quantum of compensation awarded by the tribunal. The claimant sustained fracture of left femur, avulsion teeth, hemorrhage contusion right fronto temporal region and dislocation of right knee. Based on medical records as well as the evidence of PW2 - doctor, the tribunal determined the disability at 55%. As there is no contra evidence, a sum of Rs.1,10,000/- is awarded under the head disability by granting Rs.2000/- per percentage of disability. Therefore, the same cannot be found fault with. Similarly, Rs.36,000/- towards loss

of income during treatment period, Rs.4,000/- towards transportation, Rs.5000/- towards extra nourishment, Rs.1000/- towards damage to clothes, Rs.7660/- towards medical expenses, Rs.15,000/- towards loss of amenities and Rs.50,000/- towards pain & sufferings awarded by the tribunal are reasonable and the same are confirmed.

4. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

5. The appellant / transport corporation is directed to deposit the entire award amount along with interest and costs, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the respondent/claimant is permitted to withdraw the same.

rgr

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The II Judge,
Small Causes Court,
Motor Accident Claims Tribunal,
Chennai.

+ 1 cc to Mr.K.J.Sivakumar, Advocate SR 32514

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CMA No.1193 of 2015

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