

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1276 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Karnataka State Transport
Corporation Limited,
Kolar Division,
Karnataka State.

...Appellant/Respondent

vs.

Karthik @ Karthik Kumar

...Respondent/Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 29.04.2014 passed in O.P.No.193 of 2013 on the file of the Motor Vehicle Accident Claims Tribunal (Sub Court), at Hosur.

For Appellant : M/s.T.Thiyagarajan

J U D G M E N T

The appeal has been preferred by the transport corporation aggrieved against the award of Rs.2,54,000/- awarded by the tribunal as compensation for the injuries sustained by the respondent/claimant in the accident occurred on 22.09.2011.

2. Heard Mr.T.Thiyagarajan, learned counsel appearing for the appellant/transport corporation.

3. The only question to be decided is with regard to the quantum of compensation awarded by the tribunal.

4. The respondent/claimant, a 30 years old TV technician sustained compression fracture of T6 and T7 vertebrae, contusion over the thoracic spine and a lacerated wound of 3x4x2 cm over the dorsum of right foot. Based on medical records and PW2-doctor's evidence,

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 35%. The disability determined by the tribunal appears to be very reasonable. For 35% disability, the tribunal awarded a sum of Rs.1,05,000/- and the said amount is very reasonable. Similarly, Rs.35,000/- awarded towards pain & sufferings. Rs.30,000/- towards extra nourishment, Rs.36,000/- towards loss of income during treatment period and Rs.18,000/- towards attender charges are confirmed. Though it is contended that Rs.30,000/- awarded towards loss of social enjoyment and frustration is unwarranted, taking into consideration, non-awarding of amount towards transportation, awarding of Rs.30,000/- under this head is justified. Therefore, the award of Rs.2,54,000/- awarded by the tribunal is fair and the same is confirmed alongwith interest @ 7.5% per annum from the date of petition till the date of deposit. Hence, the appeal fails.

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

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

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rgr

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Hosur.

1 CC to Mr.T.Thiyagarajan, Advocate SR.No. 32731

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JSV (CO)PSI (31.07.2015)