

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1291 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Periya Melakuparai,
Trichy - 1.

... Appellant / Respondent

vs.

Lakshmi Narayanan

... Respondent / Claimant

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 10.09.2014 made in MCOP No.186 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur.

For Appellant : M/s.D.Venkatachalam
For Respondent : MR.D.Gobinath

J U D G M E N T

The appeal has been preferred by the transport corporation aggrieved against the award of Rs.3,83,096/- awarded by the tribunal as compensation for the injuries sustained by the respondent/claimant in the accident occurred on 01.10.2012.

2. Heard Mr.D.Venkatachalam, learned counsel appearing for the appellant/transport corporation and Mr.D.Gobinath, learned counsel appearing for the respondent/claimant.

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

4. The respondent/claimant, sustained fracture and crush injury over the right ankle and fracture of left leg tibia and fibula. Therefore, P.W.2 - doctor, based on medical records determined the disability at 46%. With three fractures and two surgeries undergone by the claimant, the disability determined by the tribunal seems to be very reasonable. Moreover, the tribunal awarded a sum of Rs.1,38,000/- by granting Rs.3000/- per percentage of disability which is also reasonable and hence the same is confirmed.

Similarly, Rs.20,000/- each awarded towards pain & sufferings, extra nourishment and loss of income during treatment period, Rs.1,82,598/- towards medical bills as per Ex.A6 series and Rs.2,500/- towards attender charges are all reasonable and they are confirmed. Therefore, the award of Rs.3,83,096/- awarded by the tribunal is fair and reasonable and hence the same is confirmed alongwith interest @ 7.5% per annum from the date of petition till the date of deposit.

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 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(CS-III)

True Copy

Sub-Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Perambalur.

+ 1 cc to Mr.D.Venkatachalam, Advocate SR 32673

+ 1 cc to Mr.T.Gobinath, Advocate SR 32409

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CMA No.1291 of 2015

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