

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1338 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.

Lakshmi

... Respondent/Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 13.11.2013 made in MCOP No.1913 of 2007 on the file of the Motor Accident Claims Tribunal, 1st Additional Subordinate Court at Cuddalore.

For Appellant : M/s.K.J.Sivakumar

For Respondent : Mr.R.Sreedhar

J U D G M E N T

The appeal has been preferred by the transport corporation against the award of Rs.1,02,000/- as compensation to the respondent /claimant for the injuries sustained by him in the accident occurred on 12.06.2007.

2. Heard the parties and perused the records.

3. Though Mr.K.J.Sivakumar, learned counsel appearing for the appellant/transport corporation would contend that the amount

awarded by the tribunal is on the higher side, it is evident from the records that the claimant sustained fracture in the right knee and based on PW2-doctor's evidence and medical records, the tribunal rightly determined the disability at 20%. For 20% disability, a sum of Rs.40,000/- was awarded by the tribunal. Rs.10,000/- each awarded towards transportation and extra nourishment, Rs.20,000/- each towards pain & sufferings and loss of amenities and Rs.2,000/- towards damage to clothes are very reasonable and hence the same are confirmed. Thus, the amount of Rs.1,02,000/- awarded by the tribunal alongwith interest @ 7.5% per annum is very justifiable and hence the same is confirmed and the appeal fails.

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

5. The appellant 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 amount. In the event of failure on the part of the appellant/Transport Corporation to deposit the entire award amount alongwith interest and costs, on the aforesaid date, the Chairman cum Managing Director, the Financial Advisor and Chief Accounts Officer shall appear before this Court on 12.10.2015.

6. Post the matter for compliance on 12.10.2015.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The 1st Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Cuddalore.

2.The Chairman cum Managing Director,
3.The Financial Advisor and
Chief Accounts Officer,

both are at
TamilNadu State Transport Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram - 605 602.

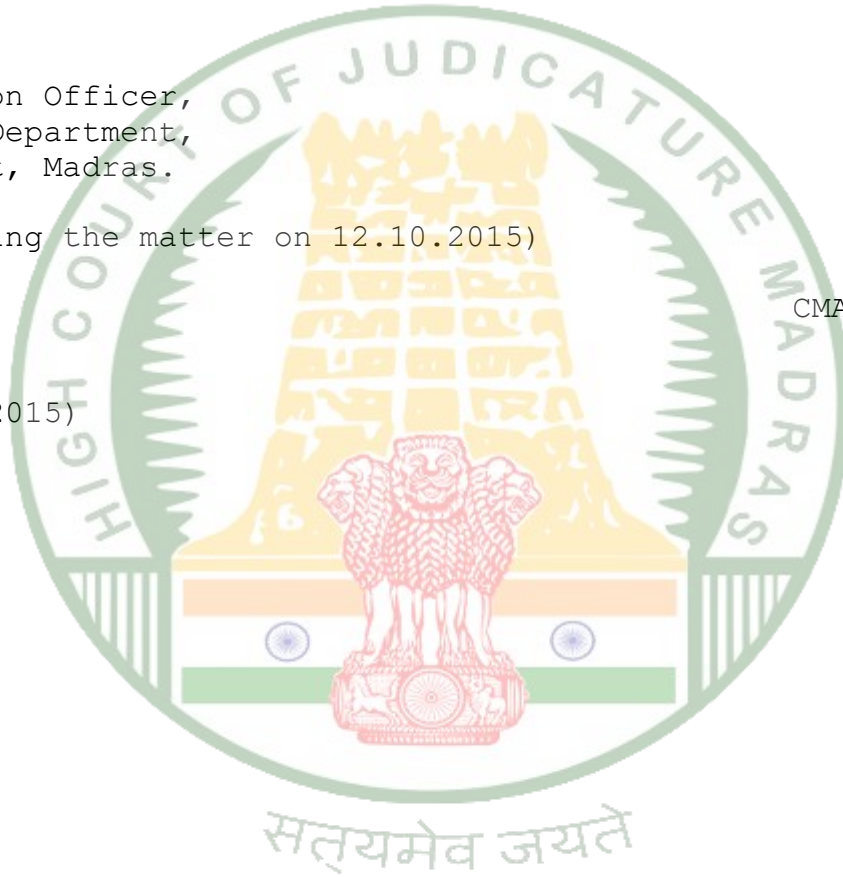
Copy To

The Section Officer,
Judicial Department,
High Court, Madras.

(For Posting the matter on 12.10.2015)

CMA No.1338 of 2015

LRS (CO)
CA(04/09/2015)



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