

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1381 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Periya Milaguparai, Trichy. ... Appellant / Respondent

vs.

Murugesan ... Respondent / Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 05.09.2014 made in MCOP No.520 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur.

For Appellant : M/s.D.Venkatachalam

For Respondent : Mr.T.Gobinath

J U D G M E N T

The appeal has been preferred by the transport corporation against the award of Rs.3,01,198/- as compensation to the respondent /claimant aged about 40 years working as a catering coolie worker, earning about Rs.500/- per day, for the injuries sustained by him in the accident occurred on 25.09.2012.

2. Heard Mr.D.Venkatachalam, learned counsel appearing for the appellant/transport corporation and Mr.T.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 of fibula, tibia and degloving injury of left lower limb including exposing left knee joint and he was admitted at Govt. Hospital, Trichirappali from 25.09.2012 to 28.09.2012 and thereafter from 28.09.2012 to

27.10.2012 at Panneer Nursing Home, Woraiyur, Trichy where 1st surgery was done on 29.09.2012, 2nd surgery on 04.10.2012 and 3rd surgery on 12.10.2012. Again, he was admitted in the same hospital on 07.12.2012 till 15.12.2012 and surgery was performed on 07.12.2012 for removing excess granulation tissues and for harvesting SSG from right thigh and thereafter mashing graft applied over the entire raw area.

5. The medical records and PW2 - doctor's evidence would show that the claimant sustained disability to the extent of 40%. However, the tribunal took only 36% as disability and awarded Rs.3000/- per percentage of disability totalling to Rs.1,08,000/- which is very reasonable. The tribunal rightly awarded Rs.1,34,198/- towards medical bills, as per Ex.P5 series. Similarly, Rs.24,000/- awarded towards loss of income during treatment period, Rs.25,000/- awarded towards pain & sufferings, Rs.5,000/- towards extra nourishment and Rs.5,000/- towards attender charges are also very reasonable and hence they are confirmed. Thus, the award of Rs.3,01,198/- awarded by the tribunal is confirmed as just compensation and the rate of interest is also reasonable and the same is confirmed. Appeal fails.

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

7. 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 1st respondent/claimant is permitted to withdraw the same.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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

1 cc to Mr..T.Gobinath , Advocate Sr.No.33071
1 cc to Mr. .D.Venkatachalam, Advocate Sr.No.33135

CMA No.1381 of 2015

rv(co)
pmk.28.7.2015