

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.139 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
Railway Station Road,
Kumbakonam. ... Appellant/ Respondent

vs.

Anbalagan ... Respondent/ Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 08.08.2012 made in M.C.O.P.No.293 of 2008 on the file of Motor Accident Claims Tribunal cum Sub Court, Ariyalur.

For Appellant : Mr.V.S.Vijay Veliappan

JUDGMENT

The appeal has been preferred against the award of Rs.1,92,035/- for the injury sustained by the respondent in the accident, which occurred on 21.09.2008.

2. Heard the learned counsel for the appellant.

3. A perusal of the award would show that the Tribunal based on the evidence of P.W.1 as well as Ex.P1 rightly came to the conclusion that the accident occurred because of the rash and negligent driving of the appellant-Transport Corporation bus.

4. Based on the evidence of P.W.2 and considering the fracture in the left femur and both bones of right leg and other injuries, the Tribunal rightly determined the disability at 43% and awarded a sum of Rs.86,000/- towards disability, awarding a sum of Rs.2,000/- per percentage of disability. The amounts awarded towards medical expenditure is confirmed, as per Exs.P6 to P10- medical bills,. Similarly, a sum of Rs.18,000/- towards

transportation, Rs.10,000/- towards extra nourishment, Rs.10,000/- towards pain and sufferings and a sum of Rs.20,000/- towards future medical expenses are all reasonable and hence, the same is confirmed. Therefore, the award of Rs.1,92,035/- along with interest at 7.5% p.a. is confirmed and hence, the appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. The appellant/Transport Corporation is directed to deposit the entire amount along with interest and costs, after adjusting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent/claimant is permitted to withdraw the entire amount with accrued interest, after adjusting the amount if any already withdrawn, within one week thereafter.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsm

To

The Subordinate Judge
Motor Accident Claims Tribunal
Ariyalur.

1 cc to Mr.V.S. Vijay Veliappan, Advocate, Sr. 7739

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GR (CO)
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