

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.753 of 2015
and M.P.No.1 of 2015

Tamil Nadu State Transport Corporation Ltd.,
Rep. By the Managing Director,
Villupuram.

.. Appellant / Respondent

vs.

V.Kasi

.. Respondent / Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 08.01.2014 made in MCOP No.1346 of 2010 on the file of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Mr.Terry Chellaraja

JUDGMENT

The appeal has been preferred by the Transport Corporation against the award of Rs.2,39,000/- of compensation to the respondent for the injuries sustained by him in the accident occurred on 13.11.2009.

2. Heard Mr.K.J.Sivakumar, learned counsel appearing for the appellant/transport corporation and Mr.Terry Chellaraja, appearing for the respondent/claimant.

3. It is evident from the records that the claimant sustained fracture of left clavicle, open reduction and internal fixation with plate was done in the left shoulder. Based on the evidence of PW2, doctor and medical records, the tribunal had determined the disability at 35%. Awarding a sum of Rs.2000/- per percentage of disability, a sum of Rs.70,000/- was rightly awarded by the tribunal under the head disability. Since the claimant was hospitalised from 13.11.2009 to 18.11.2009 and undergone subsequent treatment, the tribunal rightly awarded a sum of Rs.15,000/- under the head loss of income. Rs.8,000/- awarded towards transportation,

Rs.10,000/- towards extra nourishment and Rs.1,000/- towards damage to clothing, Rs.80,000/- towards medical expenses as per Ex.P4 and Rs.25,000/- towards future medical expenses for the surgery to remove the plates and Rs.30,000/- towards pain & suffering are all reasonable. In my considered opinion, the amount of Rs.2,39,000/- awarded by the tribunal as compensation alongwith interest @ 7.5% per annum seems to be reasonable and hence the same is confirmed. The appeals fails.

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

5. The appellant/transport corporation is directed to deposit the entire award amount alongwith interest and costs, as per the order of the tribunal, 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To

The III Judge,
Motor Accident Claims Tribunal,
Court of Small Causes,
Chennai.

1 cc to M/s.M.Malar ,Advocate, SR.No.20307

CMA No.753 of 2015

pur(co)
pmk.8.6.2015

WEB COPY