

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM

THE HON'BLE MR.JUSTICE N. KIRUBAKARAN

C.M.A.No.945 of 2015

R.Murugan

..

Appellant

/vs/

The Managing Director

Metropolitan Transport Corporation Ltd.,

No.2, Pallavan Salai,

Chennai 0 600 002.

..

Respondent

Prayer: Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and Decree dated 27.06.2012 made in M.A.C.T.O.P.No.4493 of 2009 on the file of II Judge before the Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

For Appellant : Mr.K.V.Muthuvisakan

JUDGMENT

The Civil Miscellaneous Appeal has been preferred by the claimant by way of an appeal aggrieved by the quantum of compensation of Rs.1,11,000/- awarded by the tribunal for the injury sustained by him in the accident occurred on 28.11.2009.

2. Heard the learned counsel appearing for the appellant. Aggrieved with the quantum only, the appellant is before this Court.

3. The learned counsel appearing for the appellant would submit that in stead of award of Rs.3,000/- per percentage, only Rs.2,000/- was awarded. Rs.10,000/- awarded for pain and sufferings is too low. The tribunal, in stead of following 40% disability determined by P.W.2, on its opinion reduced to 35%. Hence, he seeks enhancement of compensation.

4. However, a perusal of the records would show that the claimant sustained comminuted fracture of lower tibia and the fracture is mal united, right leg movements reduced and the petitioner is facing difficulty to stand for a long time. Though P.W.2 deposed 40% of disability to be on the higher side, the tribunal has rightly determined the disability at 35% and justifiably awarded Rs.2,000/- per percentage. Rs.10,000/- awarded to pain and sufferings is very reasonable. Similarly, in all the headings, reasonable amounts have been awarded. The Compensation of Rs.1,11,000/- awarded by the

tribunal is very fair. It is a just compensation and therefore, there is no occasion for this Court to interfere with the award passed by the Tribunal. Hence, the appeal fails and the same is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

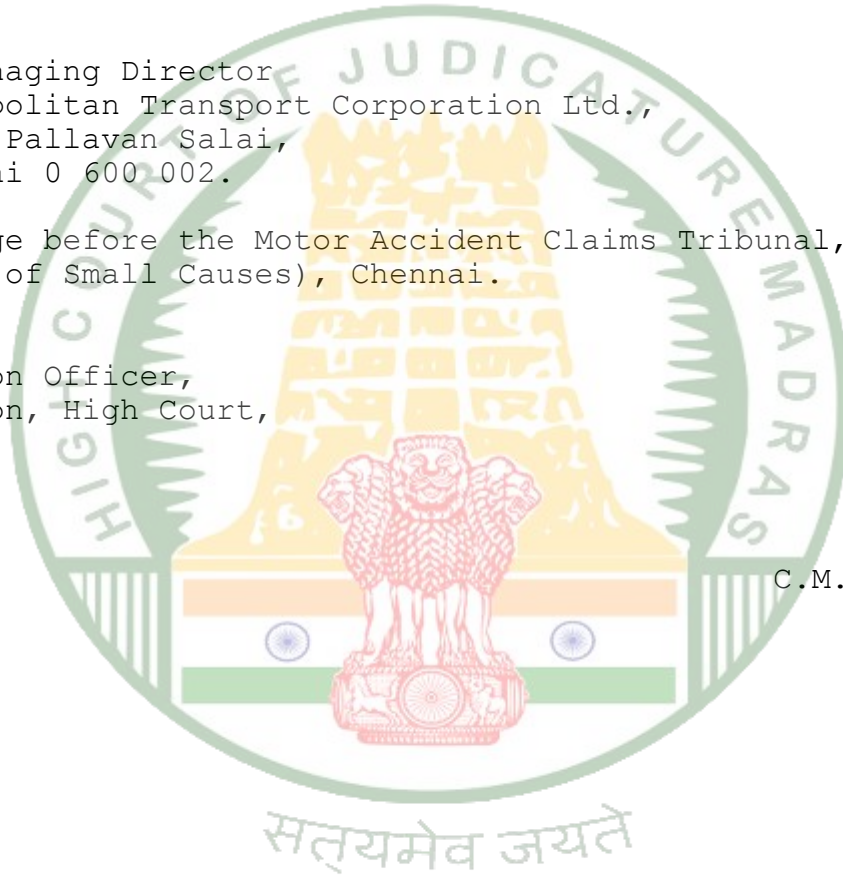
To

1. The Managing Director
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai 0 600 002.
2. II Judge before the Motor Accident Claims Tribunal,
(Court of Small Causes), Chennai.

Copy to:
The Section Officer,
V.R.Section, High Court,
Madras.

Vsn(co)
krd 26/6

C.M.A.No.945 of 2015



WEB COPY