

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.959 of 2015

and

M.P.No.1 of 2015

Metropolitan Transport Corporation Ltd.,
Rep.by its Managing Director,
Pallavan Salai, Chennai-2. ... Appellant/Respondent

Vs.

J.Venkatesan ... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree passed by the Motor Accident Claims Tribunal, (Special Sub Court II) Chennai in M.C.O.P.No.2484 of 2011 dated 10.04.2014 for awarding compensation.

For Appellant : Mr.S.Sivakumar

JUDGMENT

This appeal has been preferred by the Transport Corporation against the award of Rs.2,25,000/- as compensation to the respondent who sustained injuries, in the accident occurred on 06.05.2011.

2. Heard Mr.S.Sivakumar, learned counsel appearing for the appellant.

3. Though it is contended that the amount awarded is on the higher side, it is evident from the records that the respondent/claimant sustained fracture and degloving injury on the left foot and calcaneous, loss of skin and multiple injuries all over his body. The petitioner had produced the discharge summary issued by the authorities of Sooriya Hospital, Chennai as Ex.P.2, in which, the injuries diagnosed on the body of the petitioner has been stated as follows:

"1.Fracture Proximal Phalanx 2nd, 3rd, 4th, 5th toes of left foot.

2. Lacerated wound over the dorsum of the foot.
3. Wound Debridement with K-WSire Fixation Left Foot."

4. P.W.3 Doctor, who spoke out determined the disability at 29% and Tribunal fixed the disability only at 15%, the said determination cannot be found fault with. Awarding a sum of Rs.3,000/- per percentage for disability, Rs.45,000/- towards permanent disability, Rs.40,000/- towards pain and suffering, Rs.10,000/- each towards extra nourishment, attendant charges and transportation charges are very reasonable. Similarly, Rs.35,000/- towards medical expenses, Rs.25,000/- towards loss of income for 4 months and Rs.50,000/- towards loss of future prospects and amenities. Therefore, there is no need to interfere with the awarding of compensation.

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

6. The appellant/Transport Corporation is directed to deposit the entire award amount along with interest and costs on or before 02.07.2015, failing which, the Chairman cum Managing Director and Financial Adviser cum Chief Accountant Officer of the Corporation shall appear before this Court on 16.07.2015. On such deposit being made, the respondent/claimant is permitted to withdraw the entire amount along with accrued interest.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

1.The Motor Accident Claims Tribunal,
(Special Sub Court II) Chennai.

2.The Chairman-cum-Managing Director,
Metropolitan Transport Corporation Ltd., Pallvan Salai, Chennai-2

3.The Financial Advisor-cum-Chief Accountant Officer,
Metropolitan Transport Corporation, Pallavan Salai, Chennai -2.

1 cc to Mr. S.Sivakumar, Advocate, SR.No.27100

C.M.A.NO.481 of 2015
and
M.P.No.1 of 2015

rv(co)pmk.8.6.2015