

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.981 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam Division-I) Ltd.,
Railway Station New Road,
Kumbakonam - 612 001. .. Appellant / Respondent

vs.

S.Mary Josepin Jaya Rani .. Respondent / Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 01.09.2014 made in MCOP No.1405 of 2010 on the file of the Motor Accident Claims Tribunal, I Additional Subordinate Judge, Cuddalore.

For Appellant : Mr.G.Ramar

For Respondent : Mrs.Ramya V. Rao

JUDGMENT

The appeal has been preferred by the Transport Corporation against the award of Rs.1,62,000/- as compensation to the respondent for the injuries sustained by her in the accident occurred on 10.05.2010.

2. Heard Mr.G.Ramar, represented by Mr.D.Venkatachalam, learned counsel appearing for the appellant/transport corporation and Mrs.Ramya V. Rao, learned counsel appearing for the respondent/claimant.

3. Though the learned counsel for the appellant would submit that determination of 35% disability is on the higher side, a perusal of the records would show that the claimant sustained the following injuries -

Head injury with

- lacerated wound 10 x 4 x 4 cm over the occipital region of scalp
- linear fracture occipital bone with extension into foramen magnum &
- frontal brain contusion right

4. PW2, doctor, based on medical records, rightly determined the disability at 35% and the tribunal also awarded Rs.70,000/- by fixing Rs.2,000/- per percentage of disability. Therefore, the same cannot be interfered with. Similarly, Rs.35,000/- each has been awarded towards pain & sufferings and loss of amenities, Rs.10,000/- each towards transportation charges and extra nourishment and Rs.2,000/- towards damages to clothes which seems to be very reasonable. Thus, the award of Rs.1,62,000/- passed by the tribunal alongwith interest @ 7.5% per annum from the date of petition till the date of deposit is very reasonable and the same is confirmed.

5. In the result, this Civil Miscellaneous Appeal is dismissed confirming the award passed by the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

6. 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 six weeks from the date of receipt of a copy of this order. On such deposit, the respondent/claimant is permitted to withdraw the amount alongwith interest and costs.

Sd/-

Asst.Registrar (CO)

/true copy/

rg

Sub Asst. Registrar

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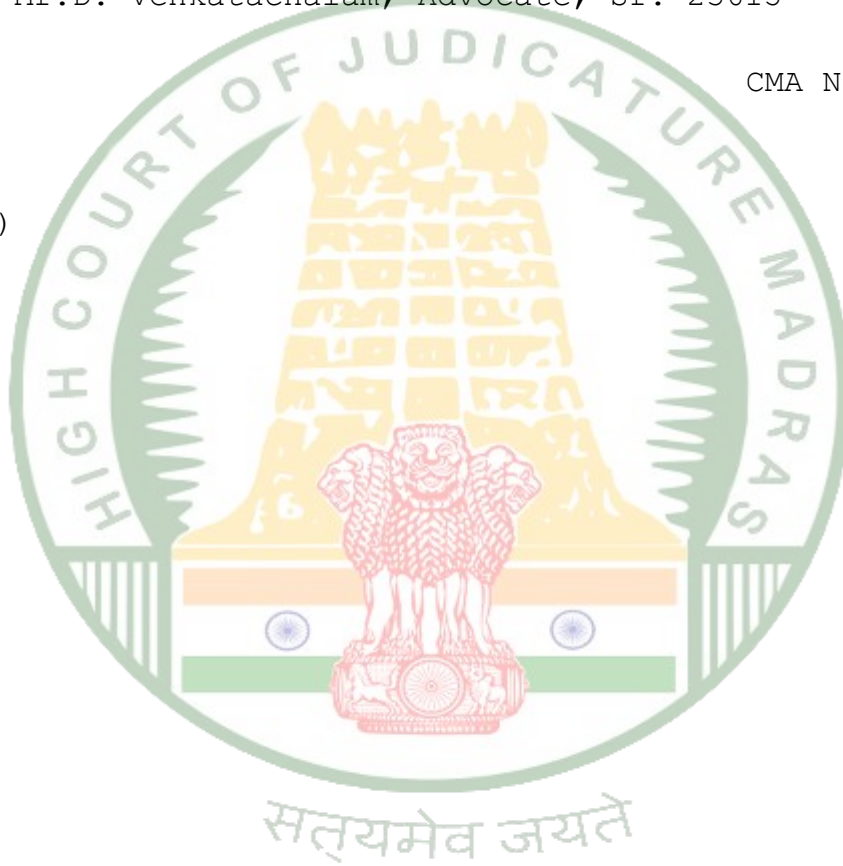
The I Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Cuddalore.

1 cc to Ms.Ramya V Rao, Advocate, Sr. 23947

1 cc to Mr.D. Venkatachalam, Advocate, Sr. 23615

CMA No.981 of 2015

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