

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No.3484 of 2014

&

M.P. No.1 of 2014

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Coimbatore) Ltd.,
Chennimalai Road,
Erode-1. ...Appellant/1st Respondent

Vs.

1.Chandra ... 1st Respondent/Petitioner.

2.Alagumuthu

3.The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.
No.12, Ramakrishna Road,
Salem-7.

4.Govindan ... Respondents 2 to 4/Respondents 2 to 4
(R2 given up)

Prayer: Civil Miscellaneous Appeal has been filed under Section 173 of M.V.Act as against the judgment and decree dated 29.03.2012 passed in M.C.O.P. No.89 of 2010 on the file of Motor Accidents Claims Tribunal, Sub Court, Sankari.

For Appellant :: Mrs.R.T.Sundari

For Respondents :: Mr.C.Kulanthaivelu (Caveator)
No.1.

J U D G M E N T

This appeal has been preferred by the Transport Corporation against the award of Rs.2,10,000/-, for the injuries sustained by the first respondent/claimant, in the accident, which occurred on 17.01.2010.

2. Heard the parties.

3. A perusal of the records would reveal that the first respondent/claimant sustained fracture in the right angle and amputation of the centre finger in the right leg, leading to restriction of movement and sustaining a pain and therefore, P.W.2 Doctor assessed the disability at 35%. The determination of 35% disability as per the experts P.W.2's opinion and also the medical records, namely, Exs.P8 to P11, the Tribunal rightly awarded a sum of Rs.70,000/- for 35% of the disability. Similarly, a sum of Rs.25,000/- was awarded towards pain and sufferings. Rs.24,200/- awarded towards medical bills as per Ex.P3. Rs.20,000/- awarded towards extranourishment, Rs.6,000/- awarded towards attendant charges, Rs.6,000/- awarded towards transportation and Rs.5,000/- awarded towards loss of amenities are very reasonable and the same are confirmed.

4. However, the Tribunal awarded a sum of Rs.54,000/- towards loss of earning for 12 months. Where as, the injury sustained by the claimant would have made him to take rest only for one month and a sum of Rs.4,500/- alone is awarded. Accordingly, a sum of Rs.2,10,200/- awarded by the Tribunal is reduced to Rs.1,65,700/-. The rate of interest awarded by the Tribunal at 7.5% per annum remains unaltered. The Civil Miscellaneous Appeal is disposed of. No costs. Connected C.M.P. is closed.

5. The appellant is directed to deposit the entire amount as per the modified award passed by this Court within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the first respondent/claimant is directed to withdraw the entire amount.

rrg

-s/d-

Deputy Registrar(J)

Dt:25/2/2015

True Copy

Sub-Assistant Registrar

To

The Motor Accidents Claims Tribunal,
Sub Court,
Sankari.

+ 1 cc to Mr.C.Kulanthaivel, Advocate SR 4303

+ 1 cc to M/s.R.T.Sundari, Advocate SR 4211

vd(co)
prk10/3

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