

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.1.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.3602 of 2014

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Vellore-9.

...Appellant /Respondent

-Versus-

M.Pasuvappan

...Respondent/Petitioner

This civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgement and decree passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Vellore made in M.C.O.P.No.62 of 2011 dated 6.7.2012.

For Appellant : Mr.S.V.Vasanthakumar

J U D G E M E N T

The appeal has been preferred by the Transport Corporation against the award of Rs.2,50,100/- for the injuries sustained by the respondent/claimant in the accident occurred on 7.1.2011, while the claimant was riding a bicycle which was hit by the Transport Corporation bus, driven rash and negligently.

2. Heard M/s.S.V.Vasanthakumar, learned counsel appearing for the appellant. He argued that the amount awarded is on the higher side.

3. A perusal of the records would reveal that the claimant sustained injuries in the right leg leading to amputation of his right leg below the knee. Disability was spoken by Doctor PW2 and

proved by Exs.P2 and P5 to P7 and therefore, the Tribunal rightly determined the disability at 45%. Even though, the claimant was aged about 60 years, the Tribunal rightly determined the monthly income at Rs.3500/- per month and rightly adopting 9-multiplier, a sum of Rs.1,70,100/- was awarded. Rs.6000/- awarded towards transportation expenses, Rs.10,000/- awarded towards extra-nourishment, Rs.10,000/- awarded towards attender charges, Rs.14,000/- awarded towards medical expenses and Rs.40,000/- awarded towards pain and suffering are all reasonable.

4. The appeal is dismissed. No costs. Consequently the connected M.P.No.1 of 2014 is also dismissed. The appellant is directed to deposit the entire award amount along with interest and costs on or before 26.3.2015 and on such deposit, the respondent/claimant is permitted to withdraw the entire award amount, In case, the appellant fails to deposit the entire amount, the Managing Director, the Chairman, the Finance Adviser-cum-Chief Accountant Officer, Transport Department shall appear before this court on 27.3.2015. Call the matter for compliance on 27.3.2015.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vk

To

1. The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate,
Vellore.

2. The Section Officer,
Judicial Department,
High Court, Madras.
{Post this case on 27.03.2015 for
compliance}

3. The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Vellore.

4. The Chairman,
Tamilnadu Transport Corporation Ltd.,
Vellore - 9.

5. The Finance Adviser - cum -
Chief Accountant Officer,
Vellore -9.

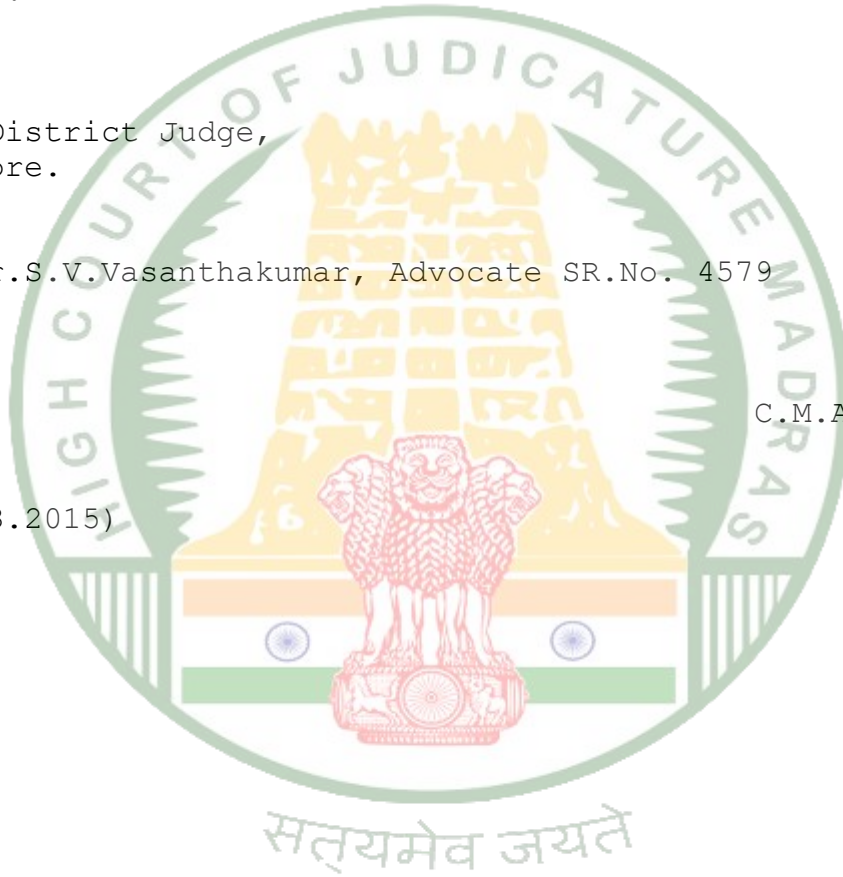
Through

The District Judge,
Vellore.

1 CC to Mr.S.V.Vasanthakumar, Advocate SR.No. 4579

C.M.A.No.3602 of 2014

TS (CO)
PSI (09.03.2015)



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