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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM :

THE HON'BLE MR.JUSTICE T.RAJA

C.M.A No.21 of 2009

And

M.P.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division(11)
Vellore - 9.

... Appellant/2nd Respondent

Versus

1. Chandran

2. M.Subramanian (Given up) ... Respondents/Respondents

Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988, against the award made in MCOP No.33 of 2004 dated 20.12.2007 on the file of the Motor Vehicles Accident Claims Tribunal (Sub Judge), Cheyyar.

For Appellant : Mr.S.V.Vasanthakumar

For Respondent-1 : Mr.K.G.Senthilkumar

For Respondent-2 : Given up.

O R D E R

The Transport Corporation is the appellant. This Appeal is directed against the impugned award passed in M.C.O.P.No.33 of 2004, dated 20.12.2007, in and by which, the learned Tribunal has granted a sum of Rs.64,000/- together with interest at the rate of 7.5% per annum, as against the claim of Rs.9,00,000/-.

2. The first respondent herein has filed a claim petition on the file of the Motor Accidents Claims Tribunal, Cheyyar, claiming a sum of Rs.9,00,000/- for the multiple injuries sustained by him on 21.7.2003 due to rash and negligent driving of the driver of the Transport Corporation. The learned Tribunal has awarded a sum of Rs.64,000/- together



with interest at the rate of 7.5% per annum. Aggrieved by the award passed by the learned Tribunal, the Transport Corporation has come up with the present appeal.

3. On a perusal of the award passed by the learned Tribunal, this Court finds that when the claimant/injured has proved his case that he has suffered multiple injuries, on his right leg, left neck, on his spinalcord and also established his case before the Tribunal for which he has taken treatment as in-patient from 21.7.2003 till 26.8.2003 in the CMC Hospital, Vellore, the learned Tribunal taking into consideration the Wound Certificate and discharge summary issued by the CMC Hospital, Vellore, showing that the claimant has taken treatment for multiple injuries from 21.7.2003 to 26.8.2003, has awarded a meagre amount of Rs.64,000/- together with interest at the rate of 7.5% per annum. Hence, this Court finds no merit in the appeal. Hence, this appeal is dismissed.

4. The learned counsel for the appellant submitted that pursuant to the order passed by this Court at the time of admission on 12.1.2009, the entire award amount has already been deposited to the credit of the M.C.O.P.No.33 of 2004 on the file of the Motor Accidents Claims Tribunal, Cheyyar. Therefore, it is left open to the claimant to move appropriate application to withdraw the award amount. There will be no order as to costs. Consequently, M.P.No.1 of 2009 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gr.

To

1.The Motor Vehicles Accident Claims Tribunal
(Subordinate Judge), Cheyyar.

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

+1cc to Mr.S.V.Vasanthakumar, Advocate, S.R.No.62143

+1cc to Mr.K.G.Senthilkumar, Advocate, S.R.No.62262

C.M.A.No.21 of 2009

CTK(CO)
CA(16/12/2015)