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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

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THE HONOURABLE MS. JUSTICE K.B.K.VASUKI

C.M.A.No.75 of 2004

and

CMP.No.131 of 2004

The Managing Director
Tamil Nadu State Transport Corporation Limited
(Salem Division II) Limited
Dharmapuri-5. .. Appellant

Vs.

V.Durairaj .. Respondent/Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act-1988 against the judgment and decree dated 31.03.2003 made in M.C.O.P.No.528 of 2002 on the file of the Motor Accident Claims Tribunal (Additional Special Judge), Krishnagiri at Dharmapuri District.

For Appellant : Mr.P.Jagadeeswaran

For Respondent : Mr.T.Pappiah Dharmaraj

JUDGMENT

For the sake of convenience, the parties are referred to as per their rank before the Tribunal.

2.The State Transport Corporation, who is the respondent before the Tribunal is the appellant herein. This appeal is filed against the award of compensation of Rs.76,000/- to the injured-claimant involved in the accident occurred on 05.10.2001 due to rash and negligent driving of the Transport Corporation bus driver.

3.The Tribunal having regard to the nature of injuries, fracture, left hand shoulder injury and back side head injury sustained by the claimant and having regard to his age, which is 40 years, his daily wages, duration of the treatment undergone by him and functional disability suffered by him, awarded compensation of Rs.76,000/- as follows:



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Medical Expenses	-	Rs.5,000/-
Loss of income during treatment period	-	Rs.9,000/-
Permanent disability and future loss of income-		Rs.50,000/-
Pain and suffering	-	Rs.10,000/-
Extra nourishment	-	Rs.2,000/-

Total	-	Rs.76,000/-

The award amount of Rs.76,000/- is payable with interest at 9% per annum from the date of petition till the date of deposit. In my considered view, the compensation awarded by the Tribunal is nothing but just and proper and warrants no interference.

4.In the result, this Civil Miscellaneous Appeal is dismissed and the appellant/Transport Corporation is directed to deposit the entire award amount with interest and costs within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit of amount into Court, the injured-claimant is permitted to withdraw the entire award amount with interest by filing separate cheque petition. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

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To

1.The Motor Accident Claims Tribunal
(Additional Special Judge), Krishnagiri at Dharmapuri District.

2.The Record Keeper, V.R.Section, High Court, Chennai.

+1 cc to Mr.T.Pappiah Dharmaraj Advocate sr.47256

+1 cc to Mr.P.Jagadeeswaran Advocate sr.47312

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