

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2016

Coram

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.M.A.No.13 of 2016 &  
C.M.P.No.53 of 2016

The Managing Director  
Tamil Nadu State Transport  
Corporation Limited  
Division-1  
Salamedu  
Trichy Main Road  
Villupuram

... Appellant/Respondent

v.

Radhammal

... Respondent/claimant

Appeal filed under section 173 of Motor Vehicles Act against the judgment and decree dated 13.03.2015 made in M.C.O.P.No.427 of 2013 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge-II, Villupuram.

For Appellant : Mr.K.J.Sivakumar

J U D G M E N T

Challenging the award passed in M.C.O.P.No.427 of 2013 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge-II, Villupuram, the Transport Corporation has filed the above appeal.

2. The respondent-claimant filed M.C.O.P.No.427 of 2013 claiming compensation of Rs.10,00,000/- for the injuries sustained by her in the road accident occurred on 25.04.2011.

3. Before the Tribunal, on the side of the claimant, 2 witnesses were examined and 10 documents, Exs.A1 to A10 were marked and on the side of the Transport Corporation, R.W.1 was examined, however, no document was marked.

4. As per Ex.P-10, Disability Certificate, the doctor, who was examined as P.W.2, assessed the claimant's permanent disability at 70%. However, the Tribunal fixed the permanent disability at 68% and awarded a sum of Rs.3,59,040/- towards permanent disability. That apart, the Tribunal also awarded a

sum of Rs.25,000/- towards pain and sufferings; Rs.5,000/- towards nourishment; Rs.1,000/- towards loss of cloths; Rs.5,000/- towards Transportation; Rs.5,000/- towards personal assistance; Rs.4,868/- towards medicines purchased by the claimant and a sum of Rs.10,000/-towards basic amenities. Thus, in toto, the Tribunal had awarded a sum of Rs.4,14,908/- with interest at the rate of 7.5% per annum.

5. In spite of the fact that the Doctor had given a certificate assessing the permanent disability at 70%, the Tribunal had fixed the permanent disability at 68%, the compensation awarded by the Tribunal towards various heads are very reasonable.

6. In these circumstances, I do not find any reason to interfere with the award passed by the Tribunal. The Civil Miscellaneous Appeal is devoid of merits and is liable to be dismissed. Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj  
To  
The Special Subordinate Judge-II,  
Motor Accident Claims Tribunal,  
Villupuram.

+ 1 cc to Mr.K.J.Sivakumar, Advocate Sr.865

GR(CO)  
Eu 22.02.16

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