

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A.No.1906 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Chennimalai Road, Erode-1,
Erode District. .. Appellant/2nd Respondent

Vs

1.Magudeshkumar ..1st Respondents/Claimants
2.R.Saravanan ..2nd Respondents/1st Respondent

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 31.10.2011, made in MCOP.No.89 of 2010, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sathyamangalam.

For appellant : Ms.R.T.Sundari

JUDGMENT

This appeal is filed against the judgment and decree dated 31.10.2011, made in MCOP.No.89 of 2010, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sathyamangalam, in and by which, the Tribunal has awarded a sum of Rs.3,21,000/- with interest at 7.5% per annum for the multiple injuries sustained by the claimant.

2. It is submitted by the learned counsel appearing for the appellant Transport Corporation that she is not questioning the negligence fixed on the part of the driver of the appellant Transport Corporation, however, she is questioning only the compensation awarded under the head of medical expenses, since the Tribunal has awarded a huge sum of Rs.2,00,000/- towards medical expenses without supporting medical bills.

3. It is seen that on 16.02.2007 at about 7.15 p.m., while the claimant was riding his motorcycle bearing Registration No.TN-33-N-1859, near Rangasamudram telephone exchange, Coimbatore main road, a bus bearing Registration No.TN-33-N-1859 coming from the opposite direction, belonging to

the appellant Transport Corporation driven by its driver in a rash and negligent manner, dashed against the said motorcycle, as a result, the claimant had sustained the following grievous injuries:

- i. Bi Temporal, Right parietal and both base frontal huemonhage contusion.
- ii. Left frontal parietal sub dural hematoma
- iii. Sub Arachnord hemorrhage
- iv. Fracture left parietal and bifrontal bones
- v. Blood injuries all over the body

Immediately after the accident, the claimant was admitted in a Government Hospital at Sathiyamangalam for the first-aid and thereafter, for better treatment, the claimant was admitted in Sri Ramakrishna Hospital, Coimbatore, from 16.02.2007 to 07.03.2007 as inpatient. The Doctor-P.W.2, who examined the claimant, assessed the disability at 45% and that the disability certificate issued by him was marked as Ex.P7 before the Tribunal.

4. At the time of accident, the claimant was aged about 29 years and was working as Conductor in the appellant Transport Corporation. To support the said grievous injuries suffered by the claimant, he has also produced the wound certificate issued by the Syamala Hospital, Sathiyamangalar-marked as Ex.P2, discharge summary issued by the Ramakrishna Hospital, Coimbatore - marked as Ex.P3, and Ex.-Ray-marked as Ex.P8.

5. By considering all the above said documents and also the medical bills numbering 61, the Tribunal has awarded a sum of Rs.2,00,000/- towards medical expenses and that the said medical bills also were marked as Ex.P5 before the Tribunal. Therefore, I do not find any merit on the contention of the learned counsel for the appellant Transport Corporation that the Tribunal has awarded a huge sum of Rs.2,00,000/- towards medical expenses, that too, without disputing the veracity of the medical bills produced by the claimant before the Tribunal.

6. Thus, the Civil Miscellaneous Appeal fails and the same is dismissed as devoid of any merit. The appellant Transport Corporation is directed to deposit the entire award amount as awarded by the Tribunal along with the interest at 7.5% per annum from the date of petition till the date of realization, less the amount already deposited if any, to the credit of MCOP.No.89 of 2010, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Sathyamangalam, within a

period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the entire award amount along with the accrued interest therein by moving appropriate application before the Tribunal. No Costs. CMP.No.13931 of 2016 is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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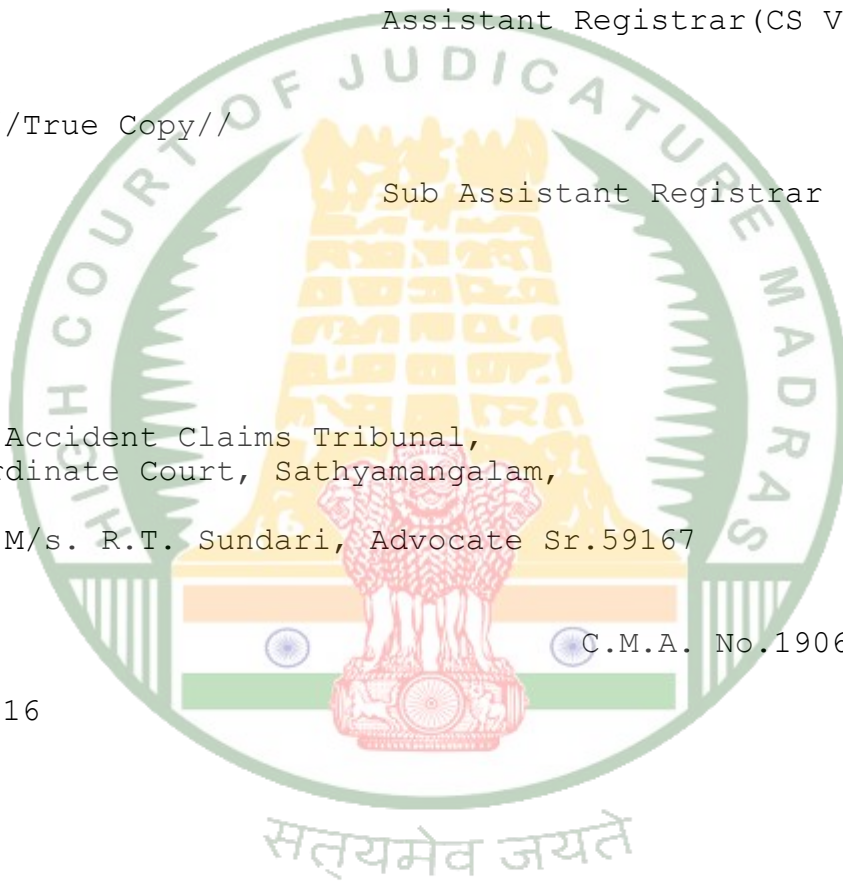
To

The Motor Accident Claims Tribunal,
Subordinate Court, Sathyamangalam,

+ 1 cc to M/s. R.T. Sundari, Advocate Sr.59167

C.M.A. No.1906 of 2016

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