

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 21.11.2016****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****C.M.A(MD)No.1491 of 2013**

D.Maria Prakasam

... Appellant/Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Periyamilaguparai,
Trichy-1.

..Respondent/Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.513 of 2003 on the file of the Motor Accident Claims Tribunal, (III Additional Subordinate Judge), Trichy, dated 03.04.2013.

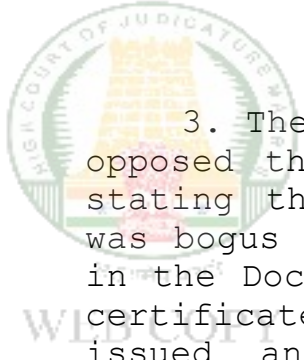
For Appellant : Mr.N.Sudhagar Nagaraj

For Respondent : Mr.P.Prabhakaran

J U D G M E N T

This Civil Miscellaneous Appeal was filed on account of an accident took place on 17.10.2002 at about 04.15 p.m. near Nagar Branch Road on Lalgudi - Trichy road. It is a head on collision between a car and Transport Corporation bus. The claimant who was travelling in the bus got injured and filed application seeking compensation before the Motor Accident Claims Tribunal, Trichirappalli. The Tribunal, considering the facts and circumstances of the case, awarded a sum of Rs.17,000/- for the claimant and the appellant/claimant preferred this appeal challenging the award on the ground that the quantum of compensation granted by the Tribunal is less.

2. The learned Counsel for the appellant/claimant contended that it is a head on collision and the claimant was treated in hospital for some days and produced the medical bills and the Doctor's certificate and considering the same and based on the depositions of the witnesses, the Tribunal ought to have granted more compensation than the amount granted in the award.



3. The learned Counsel appearing for the respondent vehemently opposed the contention of the learned Counsel for the appellant stating that the Doctor's certificate submitted by the claimant was bogus and an escalated medical treatment amount was mentioned in the Doctor's certificate. Further, the Doctor, who issued the certificate deposed before the Tribunal by stating that he never issued any wound certificate to the appellant/claimant and therefore, the Doctor's certificate produced by the appellant/claimant before the Tribunal was a bogus one and hence, the present appeal has to be dismissed on that ground.

4. Considering the rival arguments advanced by both the learned Counsel for the appellant and the respondent, this Court is of the opinion that the factum regarding the accident was proved beyond doubt before the Tribunal. Further the factum regarding the injuries sustained by the claimant, who travelled in the bus, was also proved before the Tribunal. Such being the case, this Court is not inclined to go into the merits and demerits of the findings recorded by the Tribunal in respect of certain inflated medical bills and the validity of the Doctor's certificate. When the factum regarding the accident and the injuries are proved beyond doubt before the Tribunal and this Court is not inclined to consider the present grounds for appeal and further the nature of injuries sustained by the appellant/claimant are simple in nature and therefore, further enhancement may not be required. Hence, the compensation awarded by the Tribunal is just and in accordance with the established principles which requires no interference.

5. Accordingly, the present Civil Miscellaneous Appeal is devoid of merits and hence, the same is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

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To

- 1 The Motor Accident Claims Tribunal,
(III Additional Subordinate Judge), Trichy.
 - 2 The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai
- +1cc to Mr. P. Prbhakaran Advocate Sr.No. 70881

JAM/25.01.2017/GSV-SV 2p-4c