

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 21.06.2017

CORAM

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A. No.2032 of 2017

and

CMP No.10898 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Williams Road,
Trichirapalli Town & Munsif. .. Appellant

versus

1. Senthil
2. S.Jothimani
3. Branch Manager,
The Oriental Insurance Company Ltd.,
Lodge president Complex,
Thanjavore Road,
Thiruvarur Town & Munsif. .. Respondents

Appeal filed under Section 173 of the Motor Vehicles Act, 1988
against the Judgment and Decree dated 07.05.2004 made in M.C.O.P.
No.298 of 2002 on the file of the Motor Accident Claims Tribunal
(Assistant Sessions Court), Chief Judicial Magistrate, Nagapattinam.

For appellant : Mr.D.Venkatachalam

J U D G M E N T

As against the claim made for a sum of Rs.3,00,000/- there is an
award for a sum of Rs.40,000/-. Event aggrieved over that, the
Transport Corporation has filed this appeal.

2.The Claimant Senthil, aged 25, working as a Mason, earning a sum of Rs.6,000/- per month, met with an accident on 27.01.2001 leading to multiple grievous injuries.

3.According to the wound certificate issued by the Doctor, three teeth were broken and there is injury over lips also. The injured initially admitted at Mannargudi Government hospital and thereafter, he took treatment at private hospital.

4.Claiming that the injured had suffered grievous injuries, the claim for compensation has been filed. The details of award passed by the claims Tribunal would go to show that the Tribunal has relied upon the records issued by the Thanjavore Medical college hospital. From the said records it is seen that the injured had taken treatment as inpatient for three days.

5.According to the evidence of the Doctor the injured had suffered teeth problem in lower jaw and he would be facing difficulty in eating and considering overall circumstances has certified the partial permanent disablement at 14%. Considering the same, the Tribunal accepting the disability certified by the Doctor has awarded a sum of Rs.40,000/-.

6.When the Tribunal has passed an award considering the injury, loss of teeth, medical expenses, Transportation and inconvenience on

account of loss of teeth altogether, the award cannot to be said to be excessive. The award is not based on permanent disablement alone , but on other facts alone. The loss of teeth cannot be construed as permanent disablement, but the consequences arising out of loss of teeth may cause permanent disablement.

7.In the result, the Civil Miscellaneous Appeal is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

8.The Appellant / Transport Corporation is directed to deposit the entire award amount, along with interest and costs as determined by the Tribunal, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the savings bank account of the claimant through RTGS within a period of two weeks thereafter.

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Index : Yes/No

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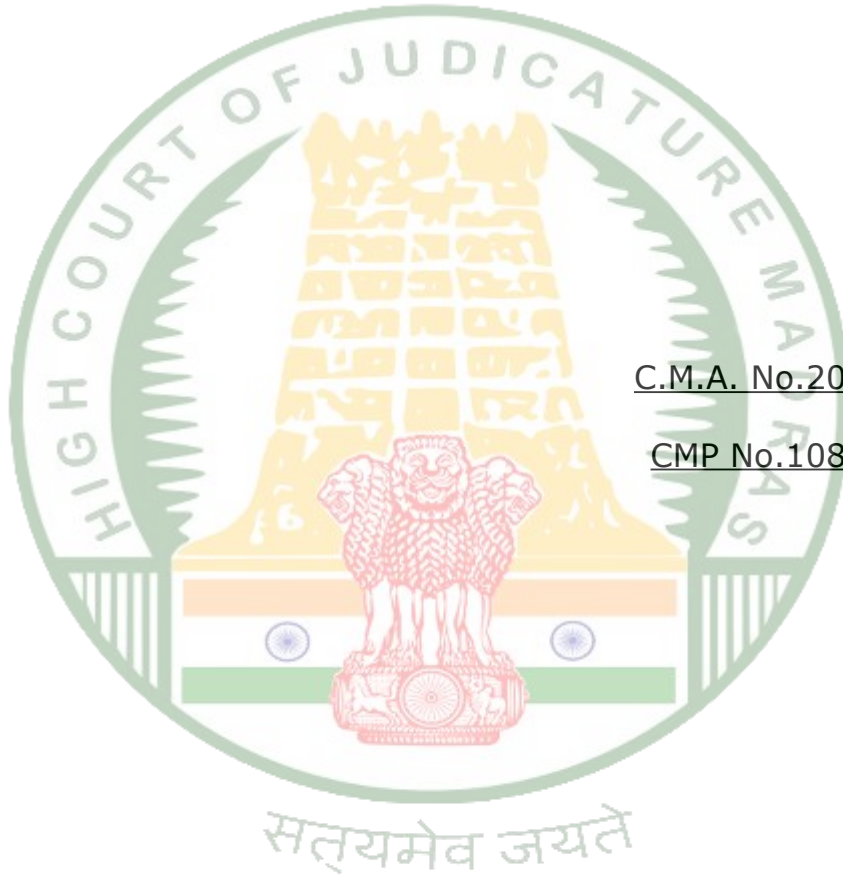
To

1.The Motor Accident Claims Tribunal, (Assistant Sessions Court),
Chief Judicial Magistrate, Nagapattinam.

2. The Section Officer, VR Section,
High Court, Madras.

Dr.S.VIMALA,J.

Kv/vsi2



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