

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 30.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.2034 of 2017
and
C.M.P. No.10912 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Coimbatore Div-II, Erode. .. Appellant

versus

1. Kamalathal
2. K.Loganathan .. Respondents

Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 29.05.2006 and made in M.C.O.P. No.259 of 2005 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Erode.

For Appellant : Mr.Vasanthakumar

J U D G M E N T

This appeal is filed by the Transport Corporation challenging the quantum of compensation awarded by the Tribunal.

2. The Claimant Kamalathal, aged 35 years, working as a handloom weaver, earning a sum of Rs.4,000/- per month, met with an accident on 23.02.2005. She filed the claim petition claiming compensation of Rs.3,00,000/- as against which the Tribunal has passed an award for a sum of Rs.89,000/-. Challenging the award passed by the Tribunal as excessive, the Transport

3. The main contention raised by the learned counsel for the Appellant is that the Tribunal ought not to have relied upon medical records in the absence of examining the Doctor to speak about the authenticity of those documents. Similarly it is contented that disability certificate issued to the claimant ought not to have been accepted as it was not issued by the Doctor who treated the injured.

4. It is seen from the records that the claimant has undergone treatment for the injuries sustained by her from 23.02.2005 to 03.03.2005 as an in-patient. Further, in order to prove her earning capacity, the claimant has produced Ex.P20, Salary Certificate, based on which the Tribunal has assessed the loss of income of the claimant. It is also seen that the Doctor, who issued the wound certificate, has indicated that the claimant sustained 18% permanent disability. Having regard to the above materials on record, the Tribunal has awarded Rs.14,000/- towards Medical Expenses which are based on medical bills. A sum of Rs.18,000/- towards permanent disability at the rate of Rs.1,000/- per percentage of disability, Further, a sum of Rs.12,000/- was awarded towards pain and suffering, Rs.20,000/- towards loss of income and Rs.25,000/- towards loss of earning capacity. Thus, a total sum of Rs.89,000/- was awarded by the Tribunal as compensation in favour of the claimant.

5. The award has been passed in the year 2006. After 11 years when value of money has been reduced and the cost of price have gone up, the award passed in the year 2006 cannot be said to be excessive in the year 2017.

6. In the result, this Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

7. The appellant / Transport Corporation is directed to deposit the entire award along with interest @ 7.5% per annum from the date of petition till the date of deposit and costs, as ordered by the Tribunal, less the amount already deposited, if any, before the Tribunal, 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 bank account of the claimant through RTGS within a period of two weeks thereafter.

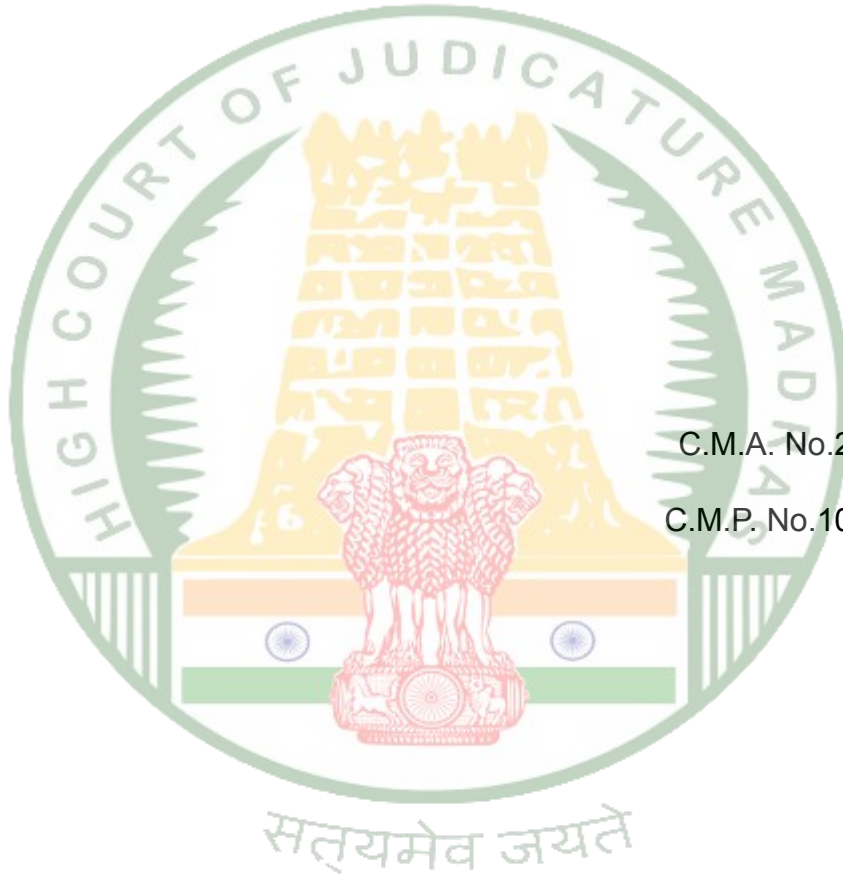
30.06.2017

Index : Yes/No
Internet : Yes / No
Speaking / Non speaking
vsi2/rkp

To

1. Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Erode.
2. The Section Officer, VR Section,
High Court, Madras.

Dr.S.VIMALA, J.
vsi2



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