

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

C.M.A.No.2127 of 2017
(C.M.A. SR. No.9249 of 2005)
and
C.M.P. No.11277 of 2017

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Chennai(formerly known as
Dr.Ambedkar Transport Corporation Ltd. ... Appellant

Cause title accepted vide order of Court dated 08.07.2005 made in C.M.P.
No.10049 of 2005.

Versus

S.Rani Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act,1988 against the award and decreetal order passed by the Motor Accidents Claims Tribunal (Additional Sub Court, Chengalpet) made in M.A.C.T.O.P. No.732 of 2001, dated 15.12.2003.

For Appellant : Mr.S.V.Vasanthakumar

JUDGMENT

The housewife, aged 21 years by name Rani met with an accident on 29.05.1994. She claimed a sum of Rs.1,25,000/- on the ground that she suffered permanent disability on account of the injuries sustained in the said accident. The Tribunal on a consideration of the materials placed before it, has

awarded a sum of Rs.95,000/-.

2. Challenging the said award, the Transport Corporation has filed the appeal along with the application to condone the delay of 158 days, which is considered along with the main appeal.

3. On a perusal of the award, it would go to show that the Tribunal has relied upon the evidence of the claimant apart from other documents. According to the claimant, the auto capsized and she suffered fracture of upper jaw bone. There was loss of teeth and fracture of bone in the nose.

4. According to the claimant, she took treatment as inpatient at Government Hospital from 29.05.1994 and later took treatment as outpatient. Due to fracture of bone, there was difficulty in taking food.

5. The Tribunal has relied upon the discharge summary issued by the Government Hospital, Chennai. The Doctor has been examined to speak about the disability and according to the Doctor, the disablement was at 35%. Even according to Doctor, there was difficulty in chewing and taking food. There was also restriction of movement in and around the jaw bone.

6. Taking into account, the above facts, the Tribunal has awarded a sum of Rs.95,000/- and the break up details of which reads as under :-

Permanent disablement	:	Rs.35,000/-
Pain and sufferings	:	Rs.30,000/-
Future consequences of the injuries	:	Rs.30,000/-

Total		Rs.95,000/-

7. The impact of the disablement upon functional disability, has not been quantified, but it is awarded under the head of permanent disablement itself.

8. The Transport expenses and loss of enjoyment of amenities had not been considered at all. Even though there is duplication in awarding compensation in respect of loss of earning capacity, the compensation awarded is less, if itemisation is applied in respect of grant of compensation for injuries sustained.

9. Even assuming that the award amount which is excessive for the year 2001, the award cannot be said to be excessive in the year 2017. In the result, the appeal stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

10. The appellant / Transport Corporation is directed to deposit the entire award amount, along with interest and costs, as ordered by the Tribunal, less the amount already deposited, if any before the Tribunal, within a period of four

Dr.S.VIMALA, J.

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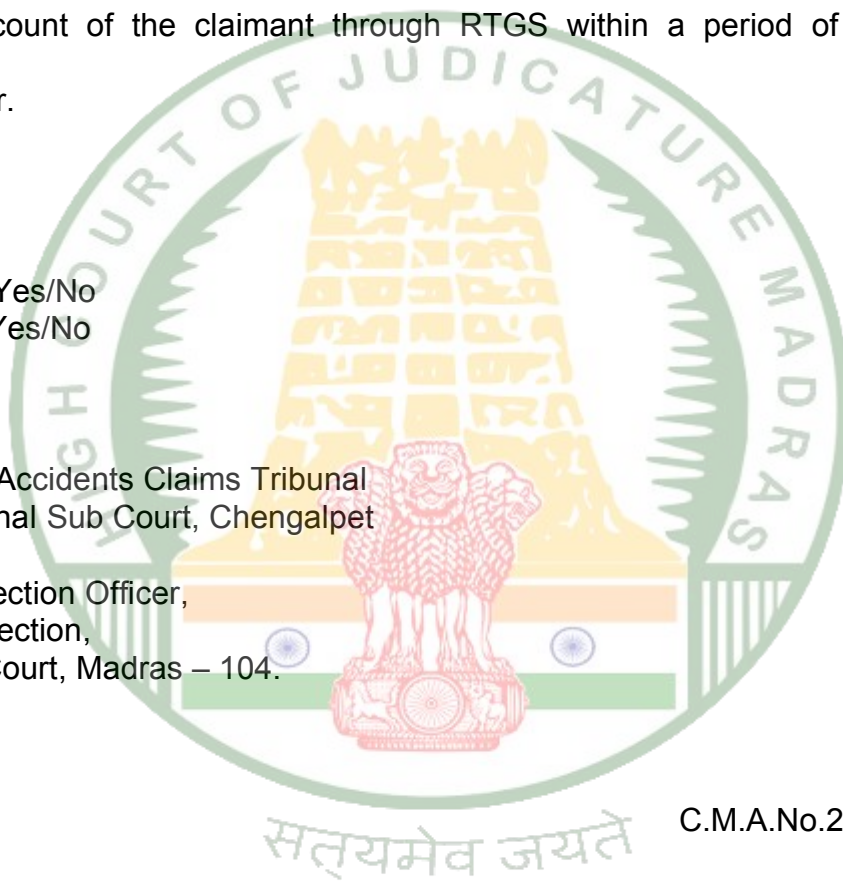
weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant through RTGS within a period of two weeks thereafter.

11.07.2017

Index : Yes/No
Internet:Yes/No
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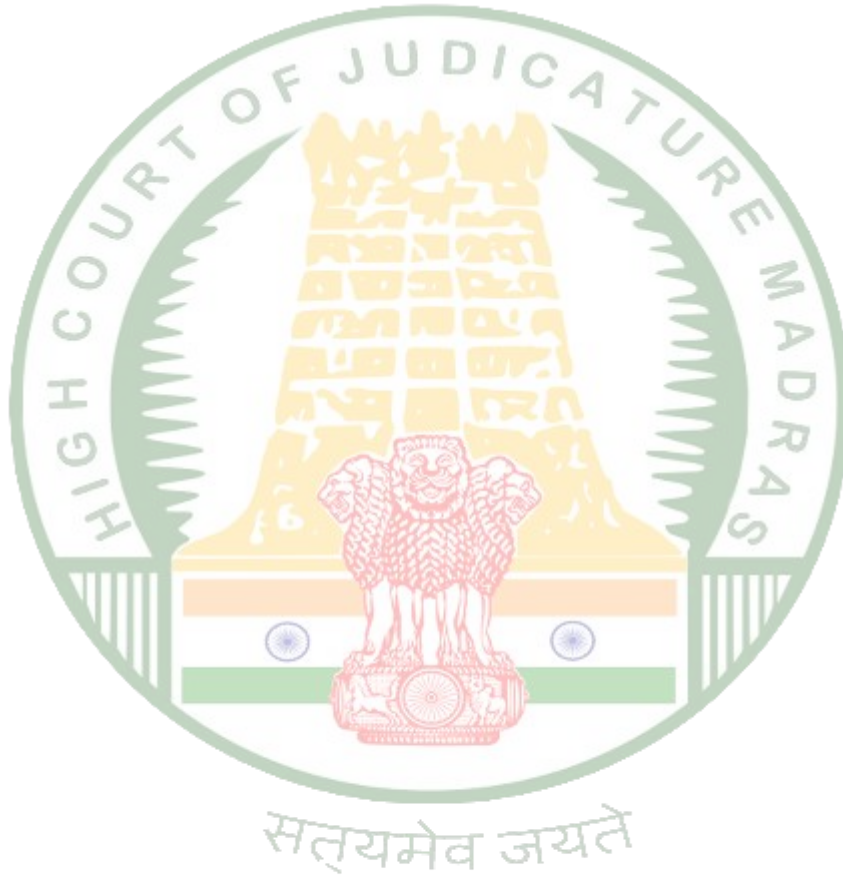
1. Motor Accidents Claims Tribunal
Additional Sub Court, Chengalpet
2. The Section Officer,
V.R. Section,
High Court, Madras – 104.



C.M.A.No.2127 of 2017

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