

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.759 of 2017
and C.M.P.No.4107 of 2017

State Express Transport
Corporation,
Rep. by its Managing Director,
Chennai – 2.

... Appellant / Respondent

versus

Ravindran

... Respondent / Petitioner

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 30.09.2003 made in M.C.O.P.No.808 of 2002 on the file of the Motor Accident Claims Tribunal cum Fast Track Court No.II, Tindivanam.

For Appellant : Mr.V.Udayakumar

JUDGMENT

The claimant, Ravindran, aged 22 years, working as a Lab Technician at Jipmer Hospital, Pondicherry, earning a sum of Rs.5280/- p.m., met with an accident on 15.03.2000 and sustained grievous injuries, in respect of which, he filed a claim petition in M.C.O.P.No.808 of 2002 before the Motor Accident Claims Tribunal cum Fast Track Court No.II, Tindivanam, claiming a sum of Rs.3,00,000/- as compensation.

1.1. As against the claim made, the Tribunal, after considering the oral and documentary evidence, awarded a sum of Rs.75,000/- as compensation, payable with interest at the rate of 9% p.a. from the date of petition till the date of deposit.

Injuries	-	Rs. 30,000/-
Treatment and other expenses	-	Rs. 20,000/-
Loss and suffering	-	Rs. 25,000/-
Total	-	<u>Rs. 75,000/-</u>

Challenging the quantum of compensation, the Transport Corporation has filed this appeal.

2. It is the main contention of the learned counsel for the appellant that the Tribunal should not have relied upon the evidence of P.W.2-Doctor, who did not give treatment to the claimant.

3. Whether this contention is acceptable or not? is the issue to be considered.

4. It is not necessary and it is not possible to bring the same Doctor, who gave treatment to the claimant to speak about the disability. It will be better, if

the doctor who gave treatment gives evidence, but, this does not make the evidence of any other doctor, who certified the disability based upon the physical examination of the injured and other medical records. Furthermore, it is practically very difficult to bring the experts for evidence, when the time of experts have to be spared to their patients.

4.1. The disability has been stated as 25%; the Tribunal has awarded a sum of Rs.30,000/- towards injuries; Rs.20,000/- towards treatment and other expenses; Rs.25,000/- towards pain and sufferings; thus, a sum of Rs.75,000/- has been awarded.

4.2. A perusal of discharge summaries produced by the claimant would go to show that the claimant has suffered fracture of pelvis with urethral injury; he has been admitted in the Hospital on 16.03.2000 till 23.05.2000; surgery has been done on 27.04.2000 and SPC has been done by urology; again, he has been admitted on 10.08.2000; surgery has been done on 11.08.2000 and he has been discharged on 17.08.2000; distal and proximal end of Urethra was sutured, after passing silicon catheter, after securing haemostasis, wound closed in layers and he has been advised to avoid straining.

4.3. Having regard to the nature of injuries suffered by the petitioner and period of treatment, the amount of compensation awarded by the Tribunal cannot

be said to be excessive. The Tribunal has not given any award for transport expenses, extra nourishment, loss of income and loss of earning capacity. Therefore, this Appeal has to be dismissed.

5. In the result, this Civil Miscellaneous Appeal is dismissed, confirming the award dated 30.09.2003 passed in M.C.O.P.No.808 of 2002 by the Motor Accident Claims Tribunal cum Fast Track Court No.II, Tindivanam.

6. The Transport Corporation is directed to deposit the entire amount of compensation, less the amount already deposited, if any, with interest at the rate of 9% p.a. from the date of petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the petitioner is permitted to withdraw the award amount. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2017

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Index : Yes / No.

To

1. The Motor Accident Claims Tribunal
cum Fast Track Court No.II,
Tindivanam.

Dr.S.VIMALA, J.

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