

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HON'BLE DR. JUSTICE **S.VIMALA**

Civil Miscellaneous Appeal No.885 of 2017
[(SR) No.75889 of 2005]
& CMP No.4349 of 2017

Metropolitan Transport Corporation Ltd.,
Chennai, Rep. By its Managing Director ... Appellant

..Vs..

P.Azhagunathan ... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 22.11.2002, made in MCOP No.914 of 2000 on the file of the Motor Accident Claims Tribunal, (Fast Track Court No.III), Chennai.

For Appellant : Mr. S.V.Vasanthakumar
For Respondent : No Appearance

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J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation, challenging the total award of compensation at Rs.28,850/- to the claimant, Azhagunathan, who was aged 47 years, earning a sum of Rs.3,000/- per month, employed as Mason and Stone Cutter, at the time of accident, on 17.03.1999.

1.1. He filed a claim petition for compensation, claiming a sum of Rs.50,000/-. The breakup details of the award passed by the Claims Tribunal would help the Court in assessing, whether the compensation awarded is fair and reasonable.

2. Considering the age of the claimant as 47 and his earnings as Rs.1,500/- per month, the quantification has been done (fixing the day's income at Rs.50/-). So far as the injuries suffered by the claimant are concerned, the tyre of the bus has run over in his left leg and therefore, he has suffered crush injury over the left leg. Because of the loss of flesh, there had been dis-figuration in his left foot. He has taken treatment at Government Hospital, Chennai, and later, taken private treatment.

3. The Doctor, who certified the disablement has assessed the disability at 15%. Still, the Tribunal has given a finding that the percentage of disability, as fixed by the Doctor, is high. The Tribunal has awarded compensation under the following breakup details:-

For Loss of income for 7 days (at the rate of Rs.50/- per day)	-	Rs. 350/-
Transport expenses	-	Rs. 5,000/-
Extra nourishment	-	Rs. 1,000/-
Medical expenses	-	Rs. 2,000/-
Pain and sufferings	-	Rs. 5,000/-

Permanent disablement	-	Rs.20,000/-

		Rs.28,850/-

4. The breakup details awarded would go to show that the award passed in each and every head is fairly reasonable and it does not require any interference. Therefore, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the CMP is also dismissed.

27.02.2017

Index : Yes / No
 Web : Yes / No
 srk

To

1. Motor Accident Claims Tribunal, (Fast Track Court No.III), Chennai.
2. The Section Officer, V.R.Section, High Court, Madras

S.VIMALA, J.,

srk

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