



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.578 of 2015

S.Subbuthai

... Appellant/Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai Division - I) Ltd,
Bye pass road, Madurai.

... Respondent/Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 25.01.2012 passed in MCOP.No.105 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Court, Periyakulam.

For Appellant : Mr.N.Ranjith
For Respondent : Mr.K.Sudalaiyandi

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of compensation. The claimant was working as Sub Inspector of Police. At the time of accidents, he was travelling as a passenger in the bus belonging to the respondent corporation. The bus was driven in a rash and negligent manner and dashed against a tamarind tree. The claimant suffered injuries including fractures on both the right and the left leg. F.I.R. was registered against the bus driver. The claimant took treatment as an inpatient for 15 days. She has also underwent three surgeries.

3.But, shockingly, the Tribunal awarded a sum of Rs.1,30,000/- as compensation. The claimant appear to have filed only the duplicate bills as Ex.B7. The Tribunal has chosen to disallow the claim lodged under that head. Even though disability was assessed at 40%, a sum of Rs.60,000/- alone was awarded. It is beyond dispute that the accident in question occurred and it is also beyond dispute that the claimant suffered double fractures. The claimant has specifically averred that she took treatment as an inpatient in Apollo Hospital. Therefore, she would certainly have incurred medical expenditure. The appellant has claimed a sum of



Rs.2,68,000/- alone incurred by her for medical expenditure. The Tribunal ought to have accepted the said figure as such. Therefore, the compensation payable to the claimant is re-worked as under :

Medical expenditure (rounded of)	: Rs.2,70,000/-
Disability compensation	: Rs.1,20,000/-
Pain and sufferings	: Rs.1,20,000/-
Loss of income	: Rs.1,00,000/-

Total	: Rs.6,10,000/-

4.The compensation payable to the claimant is enhanced from a sum of Rs.1,30,000/- to a sum of Rs.6,10,000/-. The award dated 25.01.2012 passed in MCOP.No.105 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Court, Periyakulam is modified.

5.The respondent corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal is allowed with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judge, Motor Accident Claims Tribunal,
Sub Court, Periyakulam.

Copy To:-

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.R.SARAVANAN, ADVOCATE IN SR No. 86671
+ 1 CC TO Mr.K.SUDALAIYANDI, ADVOCATE IN SR No. 86710

SKM

TE/GT/SAR-3 : 20/12/2017 : 2P/5C