



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.576 of 2018

and

C.M.P. (MD).No.6678 of 2018

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam.

... Appellant/
Respondent

Vs.

Rajalakshmi

... Respondent /Petitioner/
Claimant

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, against the award, dated 19.02.2018, made in M.C.O.P.No.254 of 2015 on the file of Motor Accident Claims Tribunal / Additional District Court (Fast Track Court), Kumbakonam.

For appellant : Mr.P.Prabhakaran

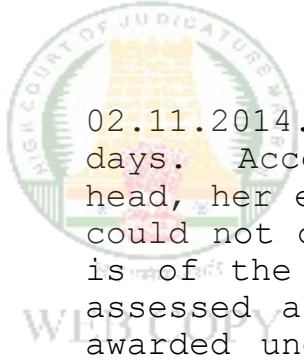
JUDGMENT

Heard the learned counsel appearing for the appellant / Transport Corporation and the learned counsel appearing for the respondent / claimant.

2. It is a case of injury. The manner of the accident is not in dispute. The Tribunal has awarded a sum of Rs.2,91,583/- as compensation. This appeal has been filed by the appellant / Transport Corporation questioning the quantum of compensation awarded by the Tribunal.

3. The learned counsel appearing for the appellant / Transport Corporation would submit that the respondent / claimant has sustained only fracture on the skull, for which the doctor has assessed the disability as 15%, which is on the higher side. He would further submit that the Tribunal has awarded a sum of Rs.15,000/- towards pain and sufferings, which is on the higher side and hence, the same may be reduced. Thus, he prayed to reduce the amount awarded by the Tribunal.

4. It is seen from the record that the respondent / claimant has sustained fracture in the skull and from 09.10.2014 to 19.10.2014 she took treatment as inpatient in a private hospital. A surgery was conducted for the said injury. Thereafter, she was again admitted in the hospital as inpatient from 24.10.2014 to



02.11.2014. Thus, totally she took treatment as inpatient for 21 days. Accordingly to the claimant, due to the said injury on the head, her eyesight and movement of the head are affected and now she could not do the work, as she was doing earlier. Hence, this Court is of the view that the disability of the respondent / claimant assessed as 15% cannot be stated as excessive. The compensation awarded under the head of pain and sufferings is concerned, this Court is of the view that it is only a meagre sum and the same cannot be stated as excessive. There is no merit in the appeal. Hence, this appeal is liable to be dismissed.

5. In the result, this Civil Miscellaneous Appeal is dismissed. The appellant / Transport Corporation is directed to deposit the entire award amount, less the amount already deposited, with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit being made, the claimant is permitted to withdraw the entire amount with accrued interest and costs by filing a petition before the Tribunal. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Additional District Judge (Fast Track Court),
Motor Accident Claims Tribunal,
Kumbakonam.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1cc to Mr.D.PRABHAKARAN, Advocate, SR.No. 74412

C.M.A(MD).No.576 of 2018
23.07.2018

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