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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2018
CORAM
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.597 of 2018
and
C.M.P. (MD).No.6895 of 2018

The Branch Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Karaikudi,
Sivagangai District.

... Appellant/Respondent

Vs.

1.Kannan

... 1st respondent/Petitioner/Claimant

2.Karuppaiah

3.The Branch Manager,
Reliance General Insurance Company
Limited, 1044, 2nd Floor,
Thaga Plaza,
South Bye Pass Road,
Vannara Pettai,
Tirunelveli - 627 003.

... Respondents 2&3/Respondents 2&3

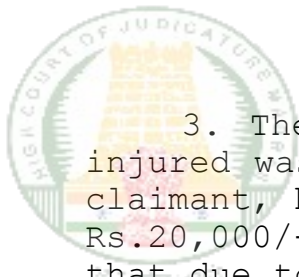
PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, against the award and decree dated 07.12.2017, made in M.C.O.P.No.24 of 2013 on the file of Motor Accident Claims Tribunal / Subordinate Court, Paramakudi.

For appellant : Mr.P.Prabhakaran

JUDGMENT

Heard the learned counsel appearing for the appellant / Transport Corporation.

2. It is a case of injury. The manner of the accident is not in dispute. The Tribunal has awarded a sum of Rs.4,64,958/- as compensation. This appeal has been filed by the appellant / Transport Corporation questioning the quantum of compensation awarded by the Tribunal on the ground that only for the injuries sustained in the face, right side head, right hand and right leg below the knee, the Tribunal has fixed 60% disability and also excessively awarded a sum of Rs.3000/- per percentage of disability.



3. The date of the accident is on 24.11.2012. The age of the injured was 27 years at the time of the accident. According to the claimant, he was a driver and an agriculturist, and earning a sum of Rs.20,000/- p.m. before the accident. It is seen from the record that due to the accident, the injured has sustained fractures on the right hand and right leg, for which he underwent surgeries and steel plates were inserted. Similarly, for the injury sustained in the jaw, he underwent a surgery and steel plate was inserted. The tooth of the injured were all damaged in the accident. The injured has also sustained grievous injuries on the right side head. For assessing the disability, the Tribunal had referred the injured to a Medical Board, which had given a report to the effect that the injured has sustained 60% disability. Based on the said report, the Tribunal has fixed 60% of disability. Further, the Tribunal has rightly awarded a sum of Rs.3000/- per percentage of disability, as per the decision of the Hon'ble Supreme Court in Vimal Kanwar Vs. Kishore Dan, reported in 2013(1) TN MAC 641 (SC). This Court does not find any reason to interfere with the said award passed by the Tribunal. So far as the award passed under the other heads are concerned, they cannot be termed as excessive. Hence, this Court is not inclined to interfere with the award passed by the Tribunal.

4. In view of the above, this Civil Miscellaneous Appeal is dismissed at the stage of admission itself. The appellant / Transport Corporation is directed to deposit the entire award amount 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, the claimant is permitted to withdraw the entire award 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 (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Paramakudi.

+1CC to Mr.P.Prabhakaran, Advocate, SR.No.75425

C.M.A (MD) .No.597 of 2018
27.07.2018

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