

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.3778 of 2011

Mrs.Uma

.. Appellant/Claimant

Vs.

Tamil Nadu State Transport Corporation,
Rep.by its Managing Director,
Villupuram Division 1,
Villupuram

.. Respondent /Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decreetal order made in M.C.O.P.No.2857 of 2003, dated 17.08.2009 on the file of the Motor Accident Claims Tribunal, Chief Small Causes Court, Chennai.

For Appellant

: Mr.M.C.Swamy
For M/s.Senthilswamy Association

For Respondent

:Mr.K.J.Sivakumar

JUDGMENT

सत्यमेव जयते
The claimant is the appellant herein.

2. This Civil Miscellaneous Appeal has been filed against the fair and decreetal order made in M.C.O.P.No.2857 of 2003, dated 17.08.2009 on the file of the Motor Accident Claims Tribunal, Chief Small Causes Court, Chennai.

3. The Tribunal, after taking into consideration the oral and documentary evidence, awarded a compensation of Rs.56,434/-.

4. Heard both sides.

5. The learned counsel for the appellant/claimant has drawn my attention to the evidence of P.W.2 and also P.W.5-Doctor Kalkura. On the other hand, a perusal of Ex.P3 would go to show that the petitioner/appellant was found with following injuries.

1.Sutered wound of 1cm over the upper lip
2.Sutered wound of 1cm over frontal region
3.Lacerated wound of 1/2cm over left fore arm
4.Diffuse extra oral swelling present on the right side face
5.Right infra orbital edema and etchymosis present

6.Left infra orbital etchymosis present
7.Tenderness present in the infra orbital region on both sides
8.11th and 12th teeth were found missing covering with blood clot.

6. In her evidence, the claimant/appellant has deposed that due to the accident, she lost two teeth on the upper jaw and she had treatment at Government Hospital and subsequently privately and later she was fixed with three artificial teeth and had sustained movement restrictions on lower jaw and Doctor had issued Ex.P20 Disability Certificate to the effect that the petitioner is suffering from 20% permanent disability.

7.The learned counsel for the respondent/Tamil Nadu State Transport Corporation has submitted that for 20% of Disability, Rs.20,000/- has already been ordered. It is stated by the claimant that she is a street vegetable vendor and was earning Rs.6,000/- per month. The amount awarded by Tribunal is hereby tabulated:

Head	Awarded by the Trial Court
Pain and suffering	Rs. 30,000/-
Medical Expenses	Rs. 3,434/-
Loss of income	Rs. 3,000/-
Treatment	Rs. 20,000/-
Total	Rs. 56,434/-

8. Taking into entirety of the circumstances and the injury sustained by the claimant/appellant as stated supra and also the loss of the teeth and the medical evidence, there shall be a consolidated enhancement of Rs.50,000/- with 7.5% per annum interest.

9. In the result, this Civil Miscellaneous Appeal is partly-allowed and the compensation award is enhanced from Rs.56,434/- to Rs.1,06,434/-. No costs.

10. The learned counsel for the respondent/Transport Corporation stated that the amount awarded by the Tribunal has already been deposited and the Transport Corporation shall deposit the balance amount within a period of eight weeks from the date of receipt of a copy of this judgment.

11. It is noted that the appellant/claimant had filed this appeal with 546 days delay. This Court, while condoning the delay by an order dated 09.12.2011 had observed that the appellant/claimant will not be entitled for interest for a period of 546 days. Accordingly, the appellant/claimant will be entitled for interest at the rate of 7.5% on the compensation amount excluding a period of 546 days.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Chief Small Causes Court, Chennai.

2. The Section Officer,
V.R Section,
High Court, Madras

+2cc to M/s.Senthilswamy Association, Advocate sr.10533
+1cc to Mr.K.J.Sivakumar, Advocate sr.10144

C.M.A.No.3778 of 2011

nr 25/06/2019