



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.42 of 2006 & CMP No.152 of 2006

The Managing Director,
Tamil Nadu State Transport Corporation,
Vellore 632 009

... Appellant

vs.

1. Gulshad @ G.A.Sabnam
2. P.Ramasamy
3. The Divisional Manager,
United India Insurance Company Ltd.,
Divisional Office, No.2 Dr. Sankaran Road,
Namakkal 637 001

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act against the judgment and decree dated 28.06.2005 made in M.C.O.P.No.856 of 2004 on the file of the Motor Accident Claims Tribunal (Court of Chief Judicial Magistrate No.1), Dharmapuri District at Krishnagiri.

For appellant : Mr. S.V.Vasanthakumar
For Respondents : M/s. S.Karunakaran, for R-1
.....

J U D G M E N T

The appellant has come forward to this Court as against the award passed by the Tribunal, accepting the disability of the first respondent fixed by P.W.2 Doctor at 35%.

2. The claimant / first respondent herein, Tailor, aged 20, met with an accident on 13.09.2003 and suffered injury viz., deep lacerated wound on inner part of the right foot 6x3 cms, loss of skin and sutured wound 4 cm. He was treated at Dr.Govindarajulu Government Hospital, Krishnagiri and at St. John's Medical College and Hospital, Bengaluru. P.W.2-Doctor, who assessed the injured, fixed the disability at 35%. For a claim of Rs.5,00,000/-, the Tribunal has awarded the total compensation at Rs.1,20,200/- together with interest @ 9% per annum.



3. A perusal of the materials available on record would disclose that P.W.2-Doctor, before issuing disability certificate has examined the claimant and has stated in his evidence that the claimant has suffered deep lacerated wound on inner part of the right foot 6x3 cms, loss of skin and sutured wound 4 cm. The Tribunal has rightly taken the same into judicial notice and has awarded a sum of Rs.1,20,200/-. However, the Tribunal has not passed any award under the head of extra nourishment, attendant charges, damage to clothes / materials and transport expenses.

4. This Court is of the opinion that the compensation amount, awarded by the Tribunal, cannot be said to be on the higher side and hence the same is confirmed as such.

5. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected CMP is closed. The appellant / Transport Corporation shall deposit the entire compensation amount, interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the amount to the RTGS Account of the claimant / first respondent herein.

-s/d-
Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal
(Court of Chief Judicial Magistrate No.1),
Dharmapuri District at Krishnagiri.

2. The Section Officer, V.R.Section,
Madras High Court, Chennai - 104

+1 cc to Mr.Vasanthakumar Advocate sr47443

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mg(co)
aa25/10/2019