



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CMA(MD)No.298 of 2013

and

M.P(MD)No.1 of 2013

Tamil Nadu State Transport Corporation Ltd.,
Madurai Division-5,
Virudhunagar,
By its Managing Director.

... Appellant/Respondent

vs.

D.Balamurugan

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles, 1988, against the award dated 29.06.2006 made in MCOP.No.46 of 2004 on the file of the Motor Accidents Claims Tribunal, Sub Court, Aruppukottai.

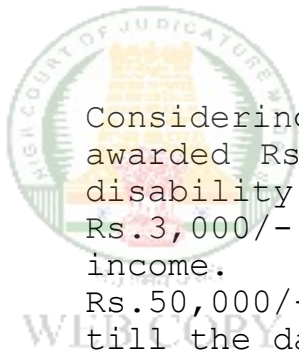
For Appellant : Mr.N.Elango for Mr.R.Janakiramulu
For Respondent : No appearance

JUDGMENT

Challenging the quantum of compensation, the transport corporation has filed this appeal.

2.It is a case of injury and the Tribunal considering the oral and documentary evidence adduced on either side, awarded compensation of Rs.50,000/- with 7.5% interest per annum from the date of petition till the date of deposit.

3.Perusal of record shows that the respondent/injured claimant sustained fracture of right shoulder and loss of teeth in two numbers in upper jaw and abrasion all over the body. Initially, he took inpatient treatment in a private hospital at Virudhunagar, for two days and therefore, took treatment at Government General Hospital, Virudhunagar, for one week. PW2 Doctor who examined the respondent has deposed that due to fracture of right shoulder, he was unable to wear dress and lift heavy articles by right hand and PW2 has assessed the permanent disability at 28%. Further, Ex.P2-Accident Register shows that the respondent has sustained two grievous injuries and rest of the injuries were simple in nature.



Considering the evidence of PW2 and 28% disability, the Tribunal has awarded Rs.42,000/- by awarding Rs.1,500/- for each percentage of disability. Apart from the above, the Tribunal has awarded Rs.3,000/- towards pain and suffering and Rs.5,000/- for loss of income. Altogether, the Tribunal has awarded compensation of Rs.50,000/- with 7.5% interest per annum from the date of petition till the date of deposit, where I do not find any infirmity.

4.The appellant is directed to deposit the entire award amount with interest and costs as awarded by the Tribunal to the credit of the claim petition within a period of six weeks from the date of receipt of a copy of this judgment, if not deposited already. On such deposit, the respondent/claimant is permitted to withdraw the same without filing formal permission petition before the Tribunal.

5.In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1)The Sub Judge,
Motor Accidents Claims Tribunal,
Aruppukottai.

Copy to: The Section Officer,
V.R. Section
Madurai Bench of Madras High Court,
Madurai.

CMA (MD) No.298 of 2013
27.08.2019

CS (25.09.2019) 2P 4C