

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.A.No.2032 of 2016

D.Ramachandran

..Appellant /Petitioner

/versus/

The Managing Director,  
Tamilnadu State Transport Corporation,  
Villupuram Division,  
Kancheepuram.

..Respondent/Respondent

*Prayer:* This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 23.01.2015 made in M.C.O.P.No.5088 of 2011 on the file of the Motor Accidents Claims Tribunal (III Judge, Court of Small Causes, Chennai).

For Appellant : M/s.R.J.Radhika

For Respondent : Mr.C.S.K.Sathish

J U D G M E N T

(The case has been heard through video conference)

This appeal is filed by the claimant, who is none other than the Conductor of the respondent Corporation. He sustained closed fracture shaft femur left side in the accident in which two Transport Corporation buses colluded.

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

3. The Tribunal has awarded a sum of Rs.1,55,433/- for the injury sustained and the disability caused due to road accident. This appeal is preferred for enhancement of compensation.

4. The learned counsel for the appellant would submit that the Tribunal has erred by omitting a sum of Rs.1,30,979/- being the medical expenses incurred by the claimant, inspite of marking the medical bills along with consolidated statement issued by the hospital. In this regard, the learned counsel referred the relevant passage of the Tribunal award, wherein, it is stated that the consolidated amount indicates a sum of Rs.1,30,979/- with due of Rs.83,000/-, sufficient time was granted, but receipt to prove the payment of the balance amount

was not produced by the claimant. Hence the entire claim was rejected.

5. The learned counsel for the Transport Corporation would submit that had the claimant filed the receipt for the payment, the Tribunal would have accepted the same. Consolidate bill is not sufficient to award the amount claimed.

6. Heard the rival submissions. The learned counsel for the appellant has taken out an application to receive the additional documents namely the receipts to prove the payment of Rs.1,28,000/- in total.

7. The medical bills, which are marked as Ex.P-5 Series the consolidated statement of the hospital dated 01.08.2011 indicates that the total amount charged was Rs.1,30,979/-. The injured has paid an advance of Rs.45,000/- [Rs.20,000/- by cash and Rs.25,000/- by card] for the balance amount of Rs.83,000/-, there is no receipt. However, the Tribunal has rejected the entire consolidated amount and awarded only Rs.7,933/- being the out patient receipt and medical bills, which form part of Ex.P-5 series.

8. This Court is of the view that having proved fracture injury and treatment as inpatient in Soundarapandian Bone and Joint Hospital between 25.07.2011 and 01.08.2011, there is no justification in rejecting the consolidated bill issued by the hospital. No doubt the claimant has not produced receipt for Rs.83,000/- The Tribunal ought to have atleast taken note of advance of Rs.45,000/- paid by cash and card. The Tribunal has totally ignores the said payment. In view of this Court, the medical bill of Rs.1,30,979/- out of which Rs.2,979/- has been discounted and the claimant has paid Rs.1,28,000/- besides Rs.7,933/- has been spent towards the medical expenses.

9. Accordingly the award is modified and enhanced from Rs.1,55,433/- to Rs.2,83,433/- with interest at the rate of 7.5% (no interest for the exempted period from 18.09.2013 to 25.09.2014 as per the Tribunal award). The respondent Corporation is directed to deposit the enhanced award amount within a period of twelve weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the same on filing appropriate petition.

10. In the result, this *Civil Miscellaneous Appeal* is partly allowed. No costs.

Sd/-

Assistant Registrar (CCC)

/True Copy/

Sub Assistant Registrar

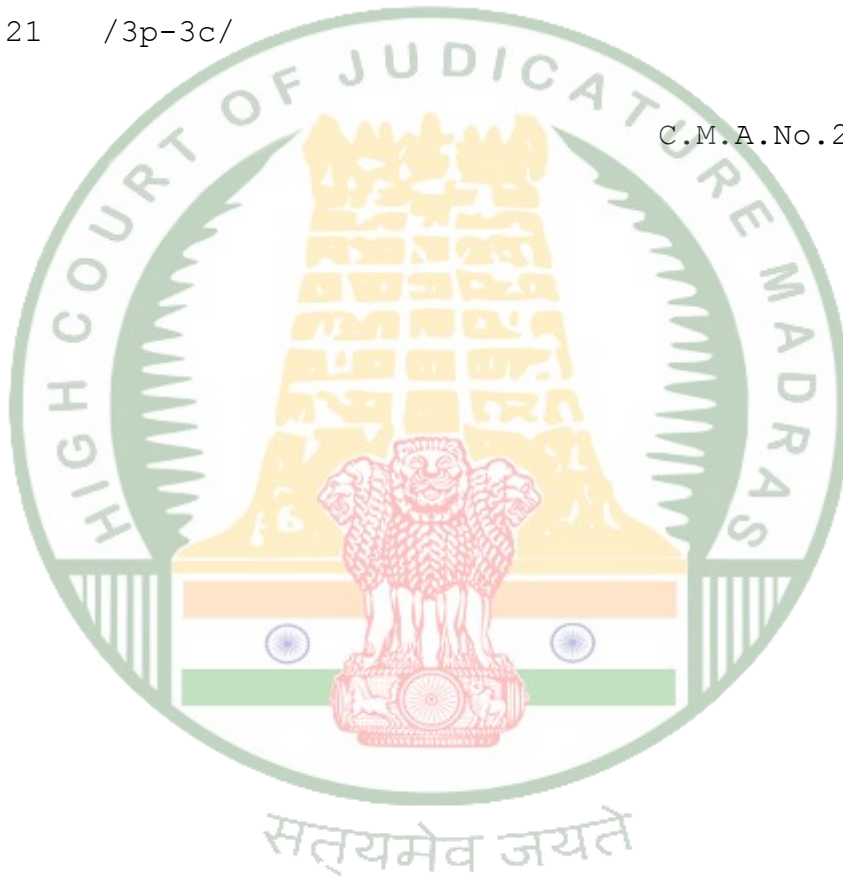
To

The Motor Accidents Claims Tribunal,  
III Judge, Court of Small Causes, Chennai.

Copy to : The Section Officer, VR.Section,  
High Court of Madras, Chennai.

akm/15.03.21 /3p-3c/

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