

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.385 of 2016

Rajeswari

.. Appellant/Petitioner

/versus/

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Salem Division-1, 12-Ramakrishna Road,
Salem-7

.. Respondent/Respondent

Prayer: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 29.04.2011 in M.A.C.T.O.P.No.462 of 2007 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankari.

For Appellant : Mr.C.Paraneedharan

For Respondent : Mr.D.Venkatachalam

J U D G M E N T

(This case has been heard through Video Conference)

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

2. This appeal is filed by the claimant for enhancement of compensation.

3. According to the appellant on 05.02.2007, she was travelling in the Transport Corporation bus bearing registration No.TN 27 N 1450 from Rasipuram to Tiruchengode. Near Vaiyappamalai, driver of the bus rash and negligently hit against the parked lorry, in the impact the petitioner fell down from the bus and sustained injury on her leg and all over the body. She was admitted in the hospital as in-patient from 05.02.2007 to 13.02.2007. She incurred medical expenses around Rs.70,000/- for her treatment and also sustained Partial Permanent Disability. Hence, She sought compensation of Rs.3,00,000/-.

4. The respondent Corporation denied the liability and also the claim of compensation. For the monetary loss and pain and suffering, the Tribunal, on considering the rival submission and the evidence let in by the rival parties, held that the claimant has sustained injury due to the negligence of the bus driver. She was earning her livelihood as a Tailor and the probable income of her could be Rs.4,500/- per month. The disability sustained due to injury was assessed as 19% by the doctor. Taking note of this factors, the Tribunal has awarded a sum of Rs.1,74,900/-.

5. In this appeal, the appellant has contended that for the loss of amenities, the Tribunal has awarded only Rs.5,000/-. Whereas the claimant is restrained from functioning to her fullest capacity and to lead normal life due to the injury. It was also contended that the Tribunal erred in not applying the multiplier for the permanent disability sustained by the claimant.

6. The perusal of the records indicate that the accident has caused disfigurement and cosmetic damage to the claimant. No functional disability is noted. The Tribunal taking note of disfigurement had awarded Rs.30,000/-, further for attender's charge, it has awarded Rs.6,000/-. It has taken the disability assessed by the doctor as 19% without any modification. Therefore, this Court finds that there is no error in the assessment of disability and computation of compensation awarded by the Tribunal. Hence the appeal is liable to be dismissed.

7. It is stated by the learned counsel for the respondent/Transport Corporation that the entire award amount has already been deposited in the Tribunal. If so, the claimant is permitted to withdraw the same on filing appropriate petition.

8. In the result, with the above direction, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-IX)

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Sub Assistant Registrar

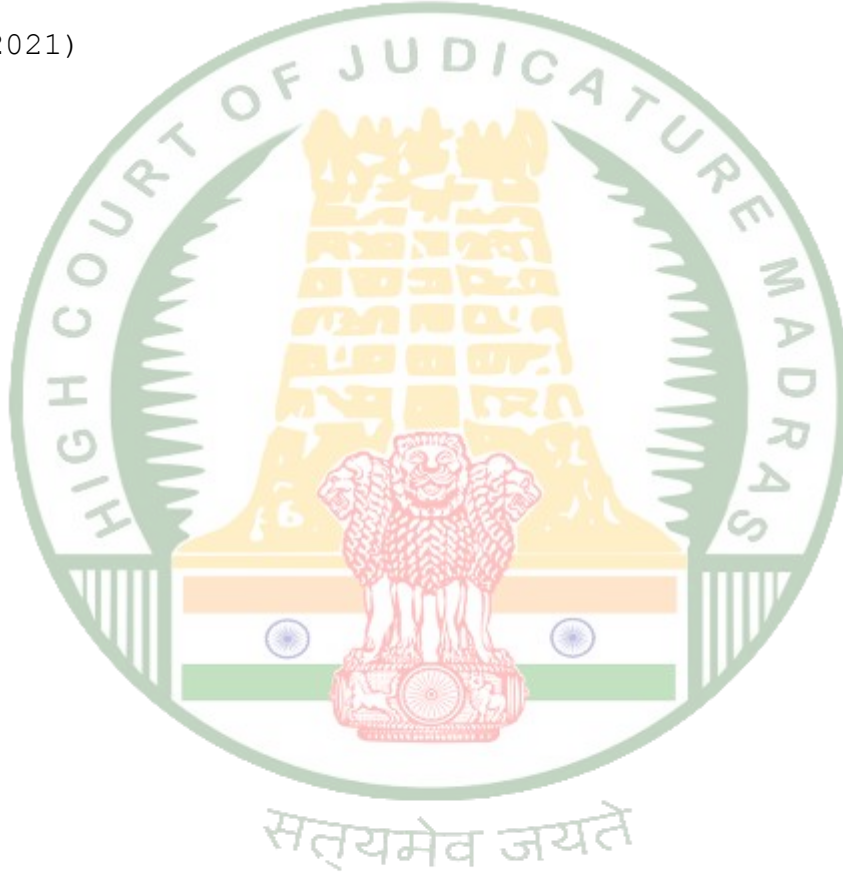
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To

- 1.The Subordinate Judge,
The Motor Accident Claims Tribunal,
Sankari.
- 2.The Section Officer,
VR Section, High Court,
Madras.

C.M.A.No.385 of 2016

SR(CO)
CB(22/04/2021)



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