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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM :

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.571 of 2016

Ruckmani

...Appellant / Petitioner

Vs

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division-II,
Chennimalai Road,
Erode-I.

...Respondent / Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 30.09.2013 made in M.C.O.P.No.690 of 2010 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankari.

For Appellant : Mr.C.Paraneedharan

For Respondent : Mr.D.Raghu

J U D G M E N T

(The case has been heard through Video Conferencing)

Heard Mr.C.Paraneedharan, the learned counsel for the appellant and Mr.D.Raghu, the learned counsel for the respondent.

2. The appeal is filed for enhancement of compensation being not satisfied with the quantum of the award passed by the Motor Accident Claims Tribunal, Sankari.

3. The short point in this case is that on 05.09.2010 at about 03.15 p.m., when the claimant was walking along the left margin of Sandhaipettai Bus stop, a State Transport Corporation bus bearing Registration No.TN 33 N2260, coming from Pallipalayam to Tiruchengode, rash and negligently dashed against the claimant causing her multiple injury. She was admitted at the Government Hospital, Tiruchengode and later shifted to the Government Hospital, Erode and Government Hospital, Coimbatore. At last, she was shifted at Trust



Hospital, Erode and got treatment for her injury. She spent nearly Rs.2,70,000/- towards medical expenses and the injury has caused disability of 30%, inferring her earning capacity. The said claim petition was contested by the Corporation on the ground that the accident occurred due to the negligence of the claimant and that the alleged expenses towards medical treatment and the percentage of the disability are excessive and exorbitantly assessed.

4. Before the Tribunal, the claimant has relied upon eight documents to show that the driver of the Transport Corporation bus was at fault and criminal case was registered against him. Exs.P4 Medical Bills, Ex.P5 Case Sheet of Erode Hospital and Ex.P6 Wound Certificate, were relied by the claimant for assessing medical expenses and disability. The Tribunal had fixed 25% permanent disability for the injury sustained by the claimant as against the opinion of the Doctor assessed the disability as 30%. As per the medical bills produced by the claimant, Ex.P4 series, the total expenditure was Rs.4,539/- and the same has been awarded. The Tribunal under various heads has awarded a total sum of Rs.67,000/-, which is impugned in this appeal.

5. On perusing of the records and the grounds of appeal, this Court finds that there is no other record of medical treatment except Ex.P5 and Ex.P4 bills. The Tribunal has rightly taken into note the medical bills and has awarded Rs.4,500/- towards medical expenses as per the documents. For the injury, the Tribunal has awarded Rs.25,000/- fixing Rs.1,000/- per percentage of disability. Since the accident occurred on 05.09.2010 and during the said period, a sum of Rs.2,000/- was awarded per percentage of disability, this Court enhanced the compensation under this head from Rs.25,000/- to Rs.50,000/- (25X2,000). Regarding Transport expenses, the Tribunal has awarded a sum of Rs.2,000/-, which is enhanced to Rs.3,000/-. Accordingly, the compensation is enhanced as below:

Compensation under Various Heads	Award passed by this Court
Disability 25% (25X2000)	Rs.50,000/-
Loss of income during treatment period 4500X3	Rs.13,500/-
Pain and Suffering	Rs.20,000/-
Extra Nourishment	Rs.2,000/-
Transport Expenses	Rs.3,000/-
Medical Expenses	Rs.4,500/-
Total	Rs.93,000/-



The said amount of Rs.93,000/- shall carry interest at the rate of 7.5% p.a. from 18.10.2010 till the date of deposit. The respondent Corporation is directed to deposit the award amount within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant shall withdraw the same on petition.

6. Accordingly, the Civil Miscellaneous Appeal is partly allowed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

The Motor Accidents Claims Tribunal,
Sub Court, Sankari.

Copy To

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

+1cc to Mr.D.Raghu, Advocate, S.R.No.36446

CMA NO.571 OF 2016

AP(CO)
RVM(19/11/2021)