



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2270 of 2019

Suresh

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
12, Ramakrishna Road,
Salem - 636 007.

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 28.01.2019 made in M.C.O.P.No.213 of 2014 on the file of the Motor Accidents Claims Tribunal/Subordinate Judge Court, Tiruchengode.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondent : M/s.P.Rajathi for Mr.D.Raghu

JUDGMENT

The claimant is the appellant in this appeal and is aggrieved by the impugned judgment and decree dated 28.01.2019 passed by the Motor Accidents Claims Tribunal/Subordinate Judge Court, Tiruchengode in M.C.O.P.No.213 of 2014.

2.By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.1,04,762/- has compensation for the injuries suffered by the appellant while travelling in the bus belonging to the respondent/State Transport Corporation.

3.The Tribunal has concluded that the appellant has suffered a simple injury and as awarded a sum of Rs.69,762/- towards reimbursement to medical expenses. The appellant was examined P.W.2 and P.W.3 namely the Doctor Yoganandhan and Maduperiyasamy as P.W.2 and P.W.3. The appellant also filed the wound certificate in Ex.P.4 and Ex.P.8.

4.Considering the fact that the petitioner has undone medical treatment at Thirukumaran Hospital, Tiruchengode and was



thereafter shifted to Ganga Hospital, Coimbatore. I am inclined to award another sum of Rs.75,000/- as the appellant has lost muscle which was required plastic surgery. Otherwise, there is no basis on which the appellant would have incurred a sum of Rs.69,762/- towards medical expenses in absence of any other evidence. The compensation awarded by the Tribunal is therefore partly enhanced by another sum of Rs.75,000/-. This amount shall be deposited by the respondent within a period of eight weeks from the date of receipt of a copy of this order.

5.The respondent/Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.1,79,762/- together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of eight weeks from the date of receipt of a copy of this Judgment.

6.On such deposit being made by the respondent/Insurance Company, the appellant/claimant is permitted to withdraw the same together with interest accrued thereon, less any amount already withdrawn in the same proportion as was ordered by the Tribunal.

7.This Civil Miscellaneous Appeal stands Partly Allowed with the above observations. No costs.

Sd/-
Assistant Registrar(P & A)

//True Copy//

Sub Assistant Registrar

jas

To:

1.The Motor Accidents Claims Tribunal,
Subordinate Judge Court,
Tiruchengode.

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

+1cc to Mr.D.Raghu, Advocate Sr No.22090

C.M.A.No.2270 of 2019

JP II (CO)
PR (22/10/2021)