

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.1836 OF 2021

&

C.M.P.NO.9867 OF 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Thiruvannamalai.

... Appellant/Respondent

.Vs.

Rajesh

... Respondent/Petitioner

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 23.12.2020 made in M.C.O.P.No.10 of 2019 on the file of the Motor Accident Claims Tribunal, III Additional District Judge, Kallakurichi.

For Appellants : Mr.K.J.Sivakumar

For Respondent : Not Ready in Notice

JUDGMENT

This appeal has been filed by the Transport Corporation challenging the award dated 23.12.2020 passed by the Motor Accidents Claims Tribunal, III Additional District Court, Kallakurichi, Villupuram in MCOP No.10 of 2019.

2. The appellant has challenged the impugned award questioning the quantum of compensation awarded by the Tribunal to the respondent/claimant.

3. The Tribunal under the impugned award has directed the appellant/Transport Corporation to pay the respondent/claimant a compensation of Rs.1,11,462/- as detailed hereunder :

Heads	Amount Awarded by the Tribunal in Rs.
Compensation for permanent disability	60000
Amount towards pain and sufferings	20,000
Amount towards transport charges	10,000
Amount towards Extra Nourishment	10,000
As per Ex.P6 Medical bills	11,462
Total	1,11,462

4. Heard Mr.K.J.Sivakumar, learned counsel for the appellant/Transport Corporation and perused and examined the impugned award before the Tribunal.

5. The respondent/claimant has sustained compound fracture in his finger and he was also hospitalised as seen from the discharge summary which has been marked as Ex.P2 before the Tribunal. As seen from Ex.C1, Disability certificate, the District Medical Board has stated that the respondent/claimant has not suffered any disability. However, it is an admitted fact that the respondent has sustained compound fracture in his finger. The Tribunal under the impugned award has awarded disability compensation on lumpsum basis at Rs.60,000/-. The accident having happened in the year 2018, this Court is of the considered view that the compensation awarded by the Tribunal towards disability at Rs.60,000/- cannot be considered to be excessive. The compensation awarded by the Tribunal towards pain and suffering at Rs.20,000/- towards transportation charges at Rs.10,000/-; towards extra nourishment at Rs.10,000/- and Rs.11,462/- towards medical bills (Ex.P6) cannot also be considered to be excessive.

6. Before the Tribunal, the respondent/claimant has filed seven documents which includes the discharge summary issued by the hospital, medical bills and the x-ray taken by the respondent. On the side of the respondent/claimant, the respondent/claimant was examined as PW1. On the side of the appellant/Transport Corporation, its official was examined as RW1. However, no documents were filed before the Tribunal on their side. Ex.C1, disability certificate dated 31.10.2019 issued by the Medical Board was marked as Court document. Only after giving due consideration to the evidence available on record, the Tribunal has assessed the compensation.

7. For the foregoing reasons, this Court does not find any merit in this appeal and the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The Appellant/Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP No.10 of 2019 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Kallakurichi, Villupuram, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondent/claimant through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District Judge,
Motor Accidents Claims Tribunal,
Kallakurichi.
2. The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.51662

C.M.A.NO.1836 OF 2021

PP(CO)
PBS/18/11/2021