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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2516 OF 2021

AND

M.P.NO.14445 OF 2021

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

... Appellant/Respondent

Vs

Raji

... Respondent/Petitioner

Prayer:

The Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Decree and Judgement dated 01.09.2020 made in M.C.O.P.No.1033 of 2018 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Dharmapuri.

For Appellant : Mr.D.Raghu

JUDGMENT

This appeal has been filed by the Transport Corporation, challenging the impugned order dated 01.09.2020 passed by Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Dharmapuri in M.C.O.P. No. 1033 of 2018.

2. The appellant Transport Corporation has challenged the impugned award only on the ground that the compensation awarded by the Tribunal towards the Medical Bills, amounting to Rs.2,63,000/-(Rupees Two lakhs Sixty three thousand only) is excessive. According to them, the medical bills, submitted by the respondent/claimant, before the Tribunal, which has been marked as Ex.P.7, is only for a sum of Rs.1,53,368/-, whereas, the Tribunal has erroneously awarded a sum of Rs.2,63,000/-(Rupees Two lakhs Sixty three thousand only) under the said head.



3. The respondent/claimant has sustained the following injuries, as a result of the accident which happened on 12.03.2018 caused by the bus, owned by the appellant Transport Corporation.

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1. Post Traumatic Peri Prosthetic Fracture - Right knee
2. Abrasion 2x2 cm below the nostril
3. Abrasion 1x1 cm over the right forehead
4. Abrasion 2x2 cm near the right eyebrow
5. Abrasion over right shoulder
6. Laceration over cheek
7. Laceration over right palm.

4. The cause of the accident and the nature of injuries sustained by the claimant have not been disputed by the appellant Transport Corporation, as seen from the evidence available on record. Apart from the medical bills produced, there is a possibility that the respondent/claimant would have incurred further medical expenses for treatment.

5. The medical bills produced by the respondent/claimant before the Tribunal is for a sum of Rs.1,53,368/-, whereas, the Tribunal has awarded a sum of Rs.2,63,000/- (Rupees Two Lakhs Sixty three thousand only) towards medical bills for the respondent/claimant.

6. After giving due consideration to the nature of injuries sustained by the respondent/claimant, as referred to supra, this Court does not deem it fit to interfere with the quantum of compensation awarded by the Tribunal towards Medical Bills amounting to Rs.2,63,000/- (Rupees Two Lakhs Sixty three thousand only). The nature of injuries sustained by the respondent/claimant would have certainly incurred a sum of Rs.2,63,000/- towards medical expenses.

7. Therefore, this Court is of the considered view that there is no merit in this appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. The appellant/Transport Corporation is directed to deposit the compensation amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% per annum from the date of claim till the date of deposit and costs, to the credit of MCOP.No.1033 of 2018 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the amount lying to the credit



of MCOP.No.1033 of 2018 to the bank account of the claimant through RTGS within a period of one week thereafter.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sr/rgi

To

1. The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Dharmapuri
2. The Section Officer,
V.R.Section, High Court, Madras - 104.

+1cc to Mr.D.Raghu, Advocate, S.R.No.46558

C.M.A.No.2516 of 2021

PA (CO)
CS/22/11/2021