



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.02.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN
C.M.A.No.798 of 2017

Siva,
S/o.Govindasamy

...Appellant/Claimant

Vs

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salamedu,
Villupuram

...Respondent/ Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 16.04.2012 made in M.A.C.T.O.P.No.587 of 2007 on the file of the Motor Accidents Claims Tribunal Principal Subordinate Judge, Thiruvannamalai

For Appellant : Ms.A.Subadra

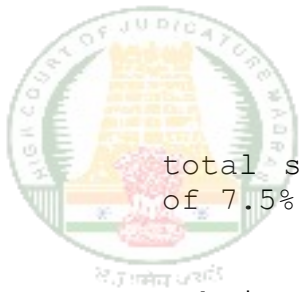
For Respondent : No appearance

JUDGMENT

This Civil Miscellaneous Appeal is filed for enhancement of compensation.

2. On 16.02.2007, while the claimant was travelling in the transport passenger bus from Manalurpettai to Thiruvannamalai near Vallimalai Canal, the driver of the bus rash and negligently drew the vehicle and dashed against the tamarind tree. Several passengers got injured, the appellant/claimant is one such passenger. He sustained dislocation fracture of right clavicle and he was admitted in the hospital got treatment for 4 days as inpatient, claiming compensation of Rs.5,00,000/- petition filed against the Transport Corporation.

3. The claim petition has been filed against the Transport Corporation being the owner of the bus. Before the Tribunal, the claimant has not filed First Information Report, Motor Vehicle Inspector's report, wound certificate and disability certificate. The doctor who examined the claimant has assessed as 30% disability for the said injury. Hence, the Tribunal has awarded a sum of Rs.60,000/- for disability and Rs.15,000/- for pain and sufferings. Besides that Rs.5,000/- was awarded for nutritious food and Rs.6,000/- for loss of income. A



total sum of Rs.86,000/- was awarded with interest at the rate of 7.5%.

4. In the appeal, the learned counsel for the appellant submitted that the Tribunal has not considered the claim of medical expenses, transport and amenity charges. From the record, this Court finds that the claimant has taken treatment in the Government hospital and no medical bills were produced. Further, there is no evidence either oral or documentary proof produced for transport expenses. Hence, the Tribunal has disallowed the claim under those heads. The claimant is not able to produce documentary evidence for medical expenses since he took treatment in the Government hospital. However, one cannot say that he would have not incurred any medical expenses hence, a sum of Rs.3,000/- for transport and Rs.3,000/- for medical expenses totally Rs.6,000/- ordered in addition to the award granted by the Tribunal.

5. The compensation of Rs.86,000/- awarded by the Tribunal to the claimant is modified and enhanced to Rs.92,000/-. The Transport Corporation is directed to deposit the modified award amount with interest at the rate of 7.5% p.a., from the date of petition till the date of deposit, within a period of eight weeks from the date of receipt of copy of this judgment. The claimant is permitted to withdraw the enhanced award amount on filing appropriate application.

6. With the above modification and direction, the Civil Miscellaneous Appeal is Allowed. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

rpl

To

1. The Motor Accidents Claims Tribunal, Principal Subordinate Judge, Thirvannamalai.

2. The Section Officer,
VR Section, Madras High Court.

+1cc to M/s.M.Malar, Advocate SR.No. 5711

C.M.A.No.798 of 2017

CP(CO)
A.SK(08.09.2021)