



C.M.A(MD)No.681 of2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.681 of 2013

R.Kanagaraj

... Appellant

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Erode.

2.The Managing Director,
Tamil Nadu State Express Transport
Corporation Limited,
Annasalai, Chennai- 600 002.

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree, dated 25.08.2012, in M.C.O.P.No.1463 of 2007, on the file of the III Additional Subordinate Judge, Madurai (Motor Accident Claims Tribunal), Madurai.

For Appellant : Mr.Khan.K.S.M.S.Ibrahim

For R1 : Mr.K.Ramaiah

JUDGMENT

The claimant has preferred this Civil Miscellaneous Appeal.

2.It is a case of injury. The contention of the claimant is that the medical

expenses was not taken into account by the Tribunal. The respondents heavily



contested regarding subsequent treatment and the medial expenses for the subsequent treatment. The claimant ought to have filed the bills for subsequent treatment, but the claimant had not produced or marked any such bills. Therefore, contended that subsequent treatment cannot be considered.

3. This Court is of the considered opinion whenever any compensation under the head of medical expenses is sought, it should be supported by appropriate medical bills. When the claimant had not produced the bill for the subsequent medical expenses, then the said claim cannot be entertained. Hence the claim for enhancement by the claimant is declined and therefore, the impugned order is confirmed.

4. It is seen that the 1st respondent had not deposited the award granted by the Tribunal. The 1st respondent is directed to deposit Rs.2,10,772/- (Rupees Two Lakh Ten Thousand Seven Hundred and Seventy Two only) with interest at the rate of 7.5% per annum and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.



C.M.A(MD)No.681 of2013

5.Hence, the Civil Miscellaneous Appeal is dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.Motor Accident Claims Tribunal,
III Additional Subordinate Judge, Madurai.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

S.SRIMATHY, J.

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