

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 1050 of 2015

Selvam

..Appellant/Petitioner

Vs.

Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Dharmapuri.

..Respondent/Respondent

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 19.12.2012 passed in MACT O.P. No. 5/2011 by the learned Additional Subordinate Judge, Thiruvannamalai.

For Appellant :: Mr.F. Terry Chellaraja
for M/s.M. Malar

For Respondent :: Mr.D. Venkatachalam

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimant aggrieved over the quantum of compensation awarded by the Motor Accidents Claims Tribunal (Additional Subordinate Judge) Thiruvannamalai, to the tune of Rs. 3,05,200/-, for the injuries sustained by him in the accident, which occurred on 15.11.2010.

2. Heard Mr.F. Terry Chellaraja, learned counsel for the appellant and Mr.D. Venkatachalam, learned counsel for the respondent.

3. From a perusal of Exs-P3, P4, P5 and P9, it is evident that the claimant sustained fracture of patella and comminuted fracture on his right leg and based on P.W.2, Doctor's evidence, the Tribunal rightly assessed the disability at 45%.

4. The claimant is said to be a Mason, aged about 23 years and earning a sum of Rs.10,000/- per month. The Tribunal, in the absence of any supportive evidence, determined the monthly income at Rs.3000/-. However, considering the fact that the accident occurred on 15.11.2010 and in the light of the judgment of the Honourable Apex Court rendered in Syed Sadiq and others V. Divisional Manager, United India Insurance Company Limited reported in 2014 ACJ 627, wherein for a vegetable vendor, a sum of Rs.6500/- was fixed as monthly income,

amounts, namely, a sum of Rs.20,000/- Rs.3000/- each awarded towards "Transportation" and "Attendant Charges" and awards "Medical Expenses" are all reasonable. In all, the compensation payable to the respondent is rounded off to Rs.6,00,000/-. The Tribunal @ 7.5% per annum stands confirmed.

The respondent Transport Corporation is directed to pay the entire amount, as per the modified award, with simple interest and costs, after deducting tax, if any, before the Tribunal, within a period of 30 days from the date of receipt of a copy of this order, to the Managing Director and Financial Officer of the respondent Transport Corporation. The Court on 16th July 2015. On such date, the respondent/claimant is permitted to withdraw the award. The respondent shall also pay additional court-fee of Rs.10,000/-.

In the result, the Civil Miscellaneous Petition is allowed and the award passed by the Tribunal, is enhanced to Rs.6,00,000/- with interest and costs.

The respondent Transport Corporation

In the result, the Civil Miscellaneous application for the award passed by the Tribunal,

For reporting compliance, call on 16.

Sd/-
Assistant Registrar

True Copy

To

1.The Addl. Subordinate Judge (MACT),
Thiruvannamalai.

2.The Managing Director,
T.N.State Transport, Corpn.Ltd,
Dharmapuri

Copy to:

The Sub Assistant Registrar, Judicial Section,
High Court, Madras.

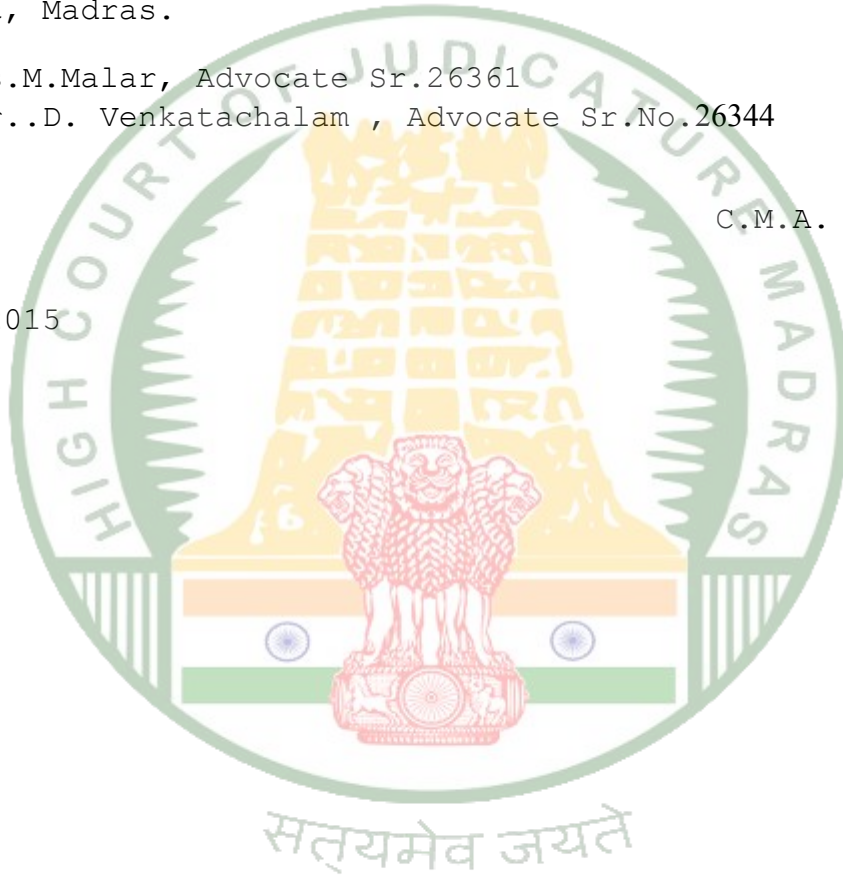
1 cc to Ms.M.Malar, Advocate Sr.26361

1 cc to Mr..D. Venkatachalam , Advocate Sr.No.26344

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