

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 247 of 2015

&

M.P. No. 1 of 2015

Tamil Nadu State Transport Corporation
(DVN-Ltd),
rep. By the Managing Director,
Villupuram Division,
No.3/137, Salamedu, Vazhuthareddy Post,
Villupuram.

... Appellant/Respondent

Vs.

Chinnaponnu

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act as against the judgment and decree dated 23.07.2014 passed in M.C.O.P. No. 336 of 2009 by the Motor Accidents Claims Tribunal (Special Sub Court I), Chennai.

For Appellant : Mr.K.J. Sivakumar

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Transport Corporation as against the award of Rs. 1,79,800/- passed by the Motor Accidents Claims Tribunal, (Special Sub Court I), Chennai, for the injuries sustained by the respondent in the accident, which occurred on 05.10.2008.

2. Heard Mr.K.J. Sivakumar, learned counsel for the appellant.

3. The only point to be considered is the quantum of compensation awarded by the Tribunal.

4. According to the learned counsel for the appellant, the Tribunal awarded two amounts under the head "Compensation for continuing and permanent disability", by granting a sum of Rs.46,800/-

applying multiplier method, for 1st disability at 10% and a sum of Rs.60,000/- @ Rs.3000/- per percentage for 2nd disability at 30%, which is unwarranted. Hence, he seeks reduction of the award amount on the above ground.

5. It is seen that the claimant is a fruit vendor and she has to walk through the streets carrying the fruit basket for selling them. Considering the nature of injuries, namely, degloving injury on left foot; sutured wound on dorsum right foot; tenderness and swelling on right ankle and bone fracture in medial malleolus, the amounts of Rs. 46,800/- and Rs.60,000/- awarded towards "Compensation for continuing and permanent disability", cannot be said to be wrong. Further, the sum of Rs.5000/- awarded each towards "Transportation" and "Extra Nourishment"; Rs.10,000/- awarded towards "Medical Treatment"; Rs.25,000/- awarded towards "Pain and Suffering"; Rs.18,000/- awarded towards "Loss of Earning during treatment" and Rs.10,000/- awarded towards "Loss of Amenities" are all reasonable and they stand confirmed. Therefore, the award of the tribunal, to the tune of Rs. 1,79,800/- is very reasonable and the same is confirmed. The rate of interest awarded by the Tribunal at 7.5% per annum also remains unaltered.

6. The appellant Transport Corporation is directed to deposit the entire award amount, with interest and costs, if not already deposited, before the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is permitted to withdraw the entire amount within a period of one week thereafter.

7. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. No costs. Connected M.P. is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The MACT (Special Sub Court I), Chennai.

+1cc to Mr.K.J.SivaKumar, Advocate, S.R.No.13432

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CA(02/06/2015)