

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2015

C O R A M

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

C.M.A. No. 3278 of 2011

and

M.P. No. 1 of 2011

The Managing Director
Metropolitan Transport Corporation
Division No.1, Ltd., Pallavan House
Anna Salai, Chennai - 600 002 ... Appellant/Respondent

Vs
Minor Srinivasan ... Respondent/Claimant.

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act 1988 against the Judgment and decree dated 23.3.2006 made in M.C.O.P No.3147 of 1996 on the file of the Motor Accidents Claims Tribunal, VI Small Causes Court, Chennai.

For Appellant : Mr. V.Kasiviswanathan

For Respondent : Mr.M.Selvam
for Mr.V.Manisekaran

J U D G M E N T

The Transport Corporation has preferred this appeal challenging the Award dated 23.3.2006 passed by the Motor Accidents Claims Tribunal granting compensation of Rs.77,000/- as against the claim of Rs.2,00,000/- in respect of the injury sustained by the claimant in the accident that took place on 09.5.1994.

2. Though the appeal has been filed questioning the liability, after elaborate argument, the learned counsel for the appellant, confined his argument only with regard to the question of quantum. According to the learned counsel for the appellant, though the claimant sustained simple injury, the Court below awarded has awarded a sum of Rs.30,000/- towards permanent disability, which is erroneous. It is submitted that the Court below has awarded a sum of Rs.3,000/- under the head loss of earning, which is very excessive as the claimant was only minor and was doing menial work in the hotel.

3. The learned counsel for the respondent/claimant would contend that taking into consideration the grievous injury sustained by the claimant at the age of 17 years and also taking into consideration the pain and suffering undergone by the claimant, the Court below has rightly awarded compensation of Rs.77,000/- which is very reasonable and hence, no interference is warranted.

4. Heard both sides.

5. The short point for consideration in this appeal is whether the amount granted by the Court below is reasonable?

6. The accident is admitted. The liability is admitted. Only quantum is disputed. Even in quantum the learned counsel for the appellant would only contend that apart from granting compensation under the head permanent disability, the Court below has awarded Rs.10,000/- towards pain and suffering, which is not fair.

7. The Court below, after taking into consideration the lacerated injury sustained by the claimant at left ankle, left foot and left knee, has rightly awarded a sum of Rs.10,000/- towards pain and suffering. Since the claimant was doing menial work in a hotel, a sum of Rs.3,000/- is awarded under the head loss of earning, which is very reasonable. It is seen that the claimant has taken treatment even after being discharged from the hospital for several days and hence, the has rightly awarded a sum of Rs.1,000/- towards transport and Rs.1,000 towards extra nourishment. Considering the medical bills produced by the claimant in Ex.P11 receipts, the Court below has awarded a sum of Rs.1739.22 towards medical expenses, which is also very reasonable and correct. Hence, the amount awarded under these heads are confirmed.

8. It is seen that the claimant is not able to rest the foot properly and walk properly. He is also not able to stand for long hours, bend his leg and sit. P.W.2 doctor also stated that due to stiffening of muscle, degeneration of ankle joint and restricted movement of ankle, he cannot work in a standing position. Considering this partial permanent disability, the Court below has awarded a sum of Rs.30,000/- under the head permanent disability, which is not at all excessive because the same cannot be equated in terms of money. Therefore, this Court does not find any reason to interfere with said grant of Award.

9. In the result, the appeal filed by the appellant/Transport Corporation is dismissed. No costs. Consequently, connected MP is closed.

10. The appellant / Transport Corporation is directed to deposit the entire compensation amount as awarded by the tribunal, less the amount already deposited, if any, to the credit of MCOP 3147 of 1996 on the file of the Motor Accident Claims Tribunal, VI Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this order along with an interest at the rate of 7.5% from the date of petition. It is needless to state that on such deposit being made, the respondent/claimant is entitled to withdraw the entire compensation amount along with interest, less the amount already withdrawn, if any, on making out a proper application before the court below.

ga

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
VI Small Causes Court, Chennai.

2. The Section Officer,
V.R.Section, High Court,
Madras.

+ 1 cc to Mr.V.Kasiviswanathan, Advocate SR 55858

+ 1 cc to Mr.M.Selvam, Advocate SR 55829

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C.M.A. NO.3278 of 2007

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