

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM:

DATED: 29.01.2015

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.3682 of 2014 and M.P.No.1 of 2014

The Managing Director
Tamilnadu State Transport Corporation
Limited,
Kumbakonam

...Appellant

Vs

S.Varunkumar

...Respondent

Prayer: Civil Miscellaneous Appeal filed Section 173 of the Motor Vehicles Act against the Judgment and decree dated 16.10.2012 made in MCOP No.1544 of 2009 on the file of Motor Accidents Claims Tribunal cum I Additional Subordinate Judge, Cuddalore.

For Petitioner : Mr.V.S.Vijay Veliappan

J U D G M E N T

This Appeal has been preferred by the Transport Corporation against award of Rs.1,57,600/- in favour of the respondent for the injuries sustained by him in the accident, which occurred on 04.04.2009.

2.Heard the learned counsel for the Appellant.

3.The issue involved in this Appeal is with regard to the quantum. The respondent suffered fracture in his right femur and he was hospitalised as in-patient from 04.04.2009 to 13.04.2009. PW.2, Doctor, deposed that the claimant sustained 45% disability, as per disability certificate, Ex.P.9. However, Tribunal reduced it to 15%. Since the claimant is working as technical assistant and earning at Rs.5,450/-, the Tribunal determined Rs.5,000/- as monthly income and according to the age of the claimant, i.e., 26, multiplier '16' was adopted and the loss of income was determined as Rs.96,000/-. Instead of 15, Tribunal calculated using '10' The proper multiplier, if 15 is used, loss of income would be $\text{Rs.}5000 \times 12 \times 16 \times 15 \text{ divided by } 100 = \text{Rs.}1,44,000/-$

4.However, taking into account the award of other amounts under other heads Rs.96,000/- awarded towards permanent disability itself is confirmed. Rs.31,600/- is awarded as per Ex.P7, medical bills. Rs.20,000/- for pain and sufferings, Rs.5,000/- towards

transportation charges and Rs.3,000/- towards extra nourishment and Rs.10,000/- towards loss of income during period of treatment are reasonable and the same is confirmed. Rs.1,57,600/- was wrongly mentioned and the correct amount is Rs.1,65,600/-. Therefore, Rs.1,65,600/- along with 7.5% of interest is confirmed as reasonable and the appeal fails and the same is dismissed. Appellant is directed to deposit the entire award amount along with interest within a period of six weeks from the date of receipt of copy of this order and on such deposit the respondent is permitted to withdraw the amount within a period of one week thereafter. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

The Motor Accidents Claims Tribunal cum
I Additional Subordinate Judge, Cuddalore.

1 cc to Mr.V.S.Vijay Veliappan ,Advocate, SR.No.4583

mg (co)

pmk.19.3.2015

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