

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.1097 of 2006

The Branch Manager,
The New India Assurance Co. Ltd.,
Kumaran Shopping Complex,
Kumaran Road,
Tiruppur Town & Taluk.

... Appellant

vs.

1.S.Ravi @Dakshinamurthy
2.P.Muthu
3.M.Balakrishnan

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against judgment and decree dated 10.01.2005 passed in MCOP No.408 of 2003 on the file of Principal Subordinate Court, Motor Accident Claims Tribunal, Gopichettipalayam.

For Appellant : M/s.Sree and Associates.
For Respondents: Mr.R.T.Doraisamy for R1
Batta due for R2 and R3

JUDGMENT

The appeal has been preferred by the appellant against the award of Rs.4,95,600/- for the injury sustained by the 1st respondent/claimant in the accident, which occurred on 06.04.2003, only on the question of quantum.

2. Heard the learned counsel for the appellant and the learned counsel for the 1st respondent/claimant.

3. It is seen from the records, the claimant sustained the following injuries:

- (i) A cut injury at the back of the left side head sutured
- (ii) Left hand wrist fractured;
- (iii) Right leg angle bone fractured;

(iv) Cut injures over the right cheeks at three places sutured heavily and

(v) A cut injury at the side of the left eye and the left eye was damaged heavily underwent operation at the K.M.C.H. Hospital at Erode. P.W.3, Doctor also confirmed the sustaining of brain injury. Therefore, the tribunal is justified in fixing disability at 35%.

4. Since the 1st respondent is a Tailor and because of the brain injury and the consequent loss of earning power, multiplier method was rightly applied. Rs.6,000/- was taken as monthly income and applying multiplier '18' Rs.4,53,000/- was justifiable granted in the following manner:

$$6000 \times 35 / 100 \times 12 \times 18 = 4,53,600/-$$

5. The Tribunal awarded a sum of Rs.25,000/- towards medical expenses, Rs.15,000/- towards pain and suffering and a sum of Rs.2,000/- towards extra nourishment, which are all reasonable and hence, the same is confirmed. The rate of interest awarded by the Tribunal at 6% p.a. remains unaltered.

6. In view of the above, this Civil Miscellaneous Appeal fails and the same is dismissed. No costs.

7. It is represented by the learned counsel appearing for the appellant that they have already deposited the entire amount and the 1st respondent/claimant has already withdrawn 50% of the deposited amount. The 1st respondent/claimant is permitted to withdraw the balance amount with accrued interest within one week thereafter.

Sd/-

Assistant Registrar

Dated:5.3.15

True Copy

सत्यमेव जयते
Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
Principal Subordinate Judge,
Gopichettipalayam.

+1 cc to M/s.Sree and Associates, SR.6122

+1 cc to M/s.R.T.Doraisamy, Advocate, SR.6077.

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krd 6/3

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