

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.527 of 2009

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Sathuvachari, Vellore.

...Appellant/Respondent

Versus

R.Natarajan

...Respondent/Petitioner

This civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act 1988 against the decree and judgment in M.A.C.T.O.P.No.77 of 2006 dated 01.10.2007 passed by the Motor Accident Claims Tribunal (Subordinate Court), Hosur.

For Appellant : Mrs.Manjumadha
for Mr.N.Anand

For Respondent : Mr.S.Gunalan

J U D G E M E N T

The appeal has been preferred by the Transport Corporation against the award of Rs.2,72,200/- as compensation for the injuries sustained by the claimant in the accident occurred on 3.2.2006.

2. Heard Mrs.Manjumadha representing the learned counsel for appellant/Transport Corporation and Mr.S.Gunalan, learned counsel appearing for the respondent/claimant.

3. The only question to be decided is with regard to the quantum of compensation.

4. Though, PW2-Doctor based on medical records determined the disability at 40%, the Tribunal took 30% disability. The Tribunal also fixed Rs.4000/- as monthly income of the injured and applying multiplier-13, awarded a sum of Rs.1,87,200/- towards loss of income and Including other heads a total sum of Rs.2,72,200/- has been awarded.

5. A perusal of the records would show that the claimant sustained abrasion in right leg, right foot, heel pad cut-off and limping fractures. He was operated in Hosur Government Hospital and thereafter he was taken to Manipal Hospital, Bangalore, where he took treatment. Because of the injury the right leg became shorter. Though PW2-Doctor determines 40% disability, the Tribunal rightly determined the disability at 30%. Since the claimant sustained 30% disability, applying multiplier-13 the Tribunal rightly arrived at the loss of income as follows:

$\text{Rs.4000/-} \times 12 \times 13 \times 30/100 = \text{Rs.1,87,200.}$

The said determination arrived at by the Tribunal cannot be found fault with. Similarly Rs.10,000/- awarded towards pain and suffering, Rs.70,000/- awarded towards medical expenses and Rs.5000/- awarded towards transportation and extra-nourishment, cannot be said to be on the higher side.

6. The learned counsel appearing for the appellant contended that the interest at 9% per annum, awarded by the Tribunal is on the higher side. The Tribunal awarded interest at 9% per annum only from the date of petition till date of date of deposit and it cannot be said to be on the higher side.

7. Therefore, Rs.2,72,200/- awarded by the Tribunal along with interest at 9% per annum is reasonable. The appeal is dismissed. The appellant is directed to deposit the entire award amount after deducting the amount if any already deposited, within six weeks from the date of the receipt of a copy of the order and on such deposit, the first respondent is permitted to withdraw the entire amount within one week thereafter. No costs. Consequently the connected M.P.No.1 of 2009 is also dismissed.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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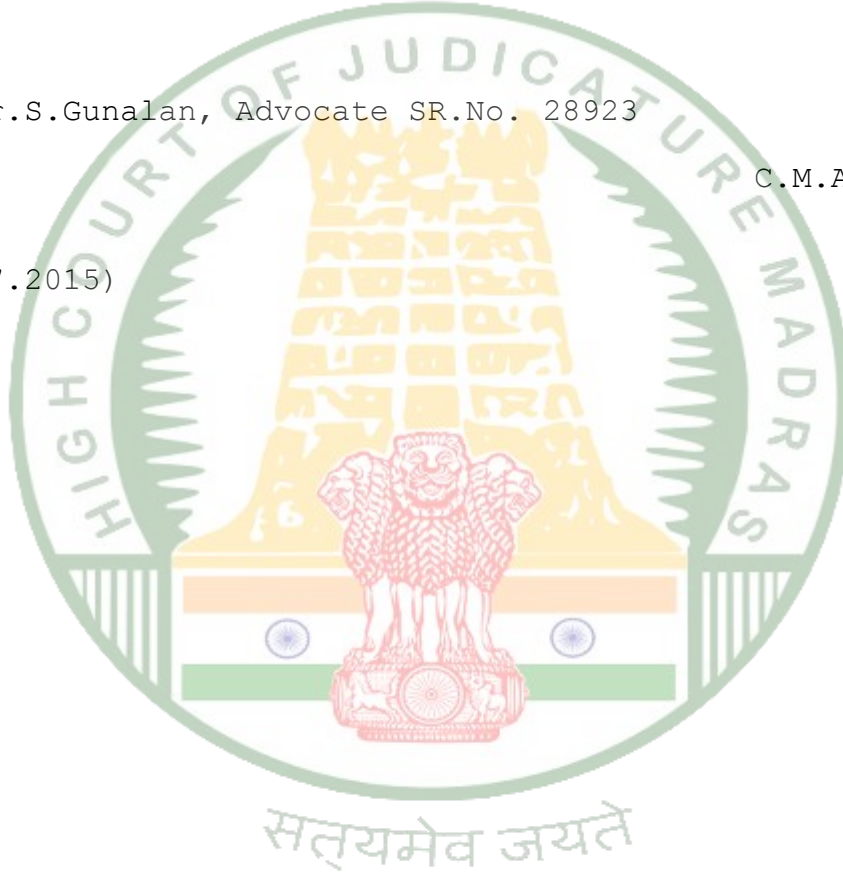
1.The Motor Accident Claims Tribunal
(Subordinate Court),
Hosur.

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

1 CC to Mr.S.Gunalan, Advocate SR.No. 28923

C.M.A.No.527 of 2009

RV (CO)
PSI (22.07.2015)



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