

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

THE HON'BLE Ms.JUSTICE K.B.K.VASUKI

C.M.A.No.3529 of 2008

The Managing Director,
Tamil Nadu State Transport
Corporation Limited, Kumbakonam
Division II, Periyamilaguparai,
Trichy

.. Appellant/Respondent

Vs.

Thangaraj,
Salem

..Respondent/Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the award made in M.C.O.P.No.309 of 2005 dated 26.11.2007 on the file of Motor Vehicles Accident Claims Tribunal and Chief Judicial Magistrate, Salem.

For Petitioner : Mr.S.V.Vasanthakumar

For Respondent : Mr.K.Kuppusamy

JUDGMENT

For the sake of convenience, the parties are ranked as stated before the Tribunal.

2. This Appeal is filed by the State Transport Corporation against the award of compensation of Rs.1,52,500/- to the respondent/claimant/injured for the accident occurred on 17.05.2005.

3. The Tribunal having found that the claimant/respondent met with an accident caused due to the rash and negligent driving of the bus driver and the respondent sustained grievous injuries all over the body and he was admitted as in-patient in Government Hospital at Salem on the same day and was treated as inpatient till 17.06.2005 and because of the implantation and mal-union of the fracture, the movement of the

left knee was restricted to 50 Degree and the respondent is unable to sit and stand for longer time and is unable to squat on the floor and sit in cross legs and unable to carry on his day today activities and the disability sustained by him is 25% and having further found that the respondent, who was aged about 32 years was earning Rs.2,500/- per month and Rs.33,000/- per year on the date of the accident, lost his future earning capacity, awarded a total compensation of Rs.1,52,500/- under the following heads and the same is directed to be paid with interest at 7.5% per annum.:-

Sl.No.	Heads	Amount
01	Loss of Earning	1,27,500
02	Pain and Sufferings	10,000
03	Transportation to hospital	5,000
04	Extra Nourishment and	5,000
05	Attendant charges	5,000
	TOTAL	1,52,500

4. The learned standing counsel for the respondent-Corporation would question the correctness of the impugned award on the issue of quantum. It is argued before this Court that the compensation awarded for loss of future earning by applying multiplier method is without any basis and erroneous. Wherein, the learned counsel for the Claimant/Injured would by pointing out the quantum of compensation awarded under other heads as too low and inadequate and by pointing out that omission to award reasonable compensation for loss of income during treatment period defend the quantum of compensation awarded by the Tribunal.

5. This Court considering the nature of injuries and fractures sustained by the respondent, nature and duration of the medical treatment and the expenses incurred for the same by him, nature and degree of disability sustained by him, his age, nature of self employment, monthly income and the impact of his disability to carry on his day today work and his job is of the view that the award of compensation is just and fair and warrants no interference by this Court.

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6. In the result, the Civil Miscellaneous Appeal stands dismissed, with direction issued to the Corporation to pay the balance compensation with proportionate interest and cost within four weeks from the date of receipt of copy of Judgment and on deposit of the same, the claimant is permitted to withdraw the entire amount by filing cheque petition before the Tribunal. No costs.
Ssd

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Motor Vehicles Accident Claims Tribunal and
Chief Judicial Magistrate, Salem.

2. The Record Keeper,
V.R.Section,
High Court, Madras

+1 C.C. To MR.S.V.Vasanthakumar, Advocate in SR.NO.46436

+1 C.C. To MR.K.Kuppusamy, Advocate in SR.NO.47106

C.M.A.No.3529 of 2008

TS (CO)
sd : 28/10/2015

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