



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.01.2015
CORAM :

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

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C.M.A. (MD) No. 1120 of 2014
and
M.P. (MD) No. 1 of 2014

Tamil Nadu State Transport Corporation Limited,
Bye Pass Road,
Madurai, Represented by the
Managing Director.

... Appellant/Respondent

Vs.

K. Muniyandi

... Respondent/Claimant

Prayer : Appeal filed under Section 173 of Motor Vehicle Act, to set aside the award dated 10.03.2006 and made in M.C.O.P.No.528 of 2002 on the file of the Additional District and Sessions Judge, Fast Track Court III, Madurai.

For Appellant : Mr. R. Janakiramulu

JUDGMENT

The appellant is the Transport Corporation. The appeal is against the judgment and decree dated 10.03.2006 made in M.C.O.P.No.528 of 2002 on the file of the Additional District and Sessions Judge, Fast Track Court III, Madurai, wherein, a compensation of Rs.30,000/- was awarded for injuries suffered by the respondent.

2. The accident is not disputed. The accident was not due to the fault of the respondent. During M.C.O.P. proceedings, P.W.2 Dr. Mohandoss Gandhi, who treated the respondent was examined. His deposition was taken note of by the Tribunal in paragraph No.13 of the order and the same is extracted hereunder:

"P.W.2 the doctor deposed that the petitioner suffers pain in the hip and there is disability in the hip. He further deposed that the petitioner would feel difficulty to sit for some time and to travel. His hip movements are restricted. He assessed the disability at 30% and issued Ex.P9, the disability certificate and Ex.P10 is the X-ray."

3. The records relating to scan, x-ray and other documents are also produced. The respondent was treated in the Government Rajaji Hospital, Madurai. Thereafter also, he took treatment. In these circumstances, the respondent stated that he suffered loss of earning from 09.07.2001 to 26.11.2001 to the tune of Rs.5,200/-. According to him, he was a Watchman and earning Rs.1,300/- per month. Though he did not prove his employment as Watchman, the income as stated by the respondent as Rs.1,300/- was accepted by the Tribunal. I do not find any infirmity with the said finding.



4. For the loss of earning, the Tribunal awarded a sum of Rs.3,000/-, taking into account the fact that he was treated in the Government Rajaji Hospital for 19 days. His claim for Transport and Extra Nourishment was totally disallowed for no evidence was produced. Likewise, his claim for damage to clothes and articles was also disallowed. The other claim relating to loss of amenity was also rejected. The claim relating to medical expenses and cost for attendant were also disallowed. The Tribunal awarded Rs.9,000/- towards pain and suffering. Thereafter, the Tribunal awarded, Rs.18,000/- for the difficulties, which he suffered as explained by the doctor. In total, only Rs.30,000/- was awarded. The Tribunal did not choose to apply the multiplier factor.

5. In the last hearing, this Court directed the learned counsel for the appellant to verify as to whether any appeal was filed by the respondent for enhancement of compensation and also whether the amount was realised by way of E.P. But the learned counsel for the appellant was not able to get any reply.

6. Perusing the award, in my view, there is no infirmity. In fact, for 30% disability, the compensation awarded by the Tribunal is a lesser amount. However, the issue relating to enhancement of compensation is not before this Court. Therefore, the appeal is rejected. No costs. Consequently, connected miscellaneous petition is also rejected.

Sd/-

Assistant Registrar(AS)

\\True copy\\

Sub Assistant Registrar

To
The Additional District and Sessions Judge,
Fast Track Court III, Madurai.

C.M.A. (MD) No.1120 of 2014
12.01.2015

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