

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.1100 of 2016

The Managing Director
The Chennai Metropolitan
Transport Corporation Ltd.,
Pallavan House,
Anna Salai, Chennai 600 002. ... Appellant /Respondent

Vs.

Vinoth Kumar .. Respondent/Petitioner

Prayer: Civil Miscellaneous Appeals as against the
Judgment and decree dated 27.06.2005 made in M.C.O.P.No.294 of
2003 on the file of Motor Accidents Claims Tribunal, Subordinate
Judge, Ponneri.

For Appellant : Mr.S.Sivakumar

JUDGMENT

This Civil Miscellaneous Appeal is preferred by the
Transport Corporation as against the judgment and decree dated
27.06.2005 made in M.C.O.P. No. 294 of 2003 on the file of
Motor Accidents Claims Tribunal, Subordinate Judge, Ponneri.

2. For the injury suffered in an accident that occurred
on 08.10.2003, wherein a 19 year old boy, a painter, the
claimant herein had suffered a bone fracture on his right leg.
He filed a claim petition claiming Rs.2,00,000/- as compensation
before the Tribunal. Because of the injury, in his right leg, a
rod had been fixed and the doctor who treated him has assessed
the disability at 20%. At first, he was treated in Government
Hospital, Chennai and then in Jai Maruthi Hospital between
08.10.2003 to 22.10.2003. The Tribunal by holding that due to
the negligent act of the driver of the appellant Corporation,
the passenger of the bus, the claimant herein sustained grievous
injuries and fastened the liability on them. Thus, awarded a
compensation of Rs.89,600/- to the claimant with interest at 9%

per annum. Against the said award, this Civil Miscellaneous Appeal has been filed by the Transport Corporation.

3. The learned counsel for the appellant would submit that the Tribunal erred in taking the multiplier as '16' and amount awarded for disability per percentage for the accident which had occurred in the year 2003 is also incorrect. Hence, seeks to modify the award.

4. This Court heard the submissions made by the learned counsel for the appellant and perused the materials available on record.

5. A perusal of the award reveals that the Tribunal has fixed the monthly income at Rs.1,500/- per month and it is seen that though the doctor has assessed th disability at 40%, the Tribunal has taken only 20% as disability. It is also evident from the version of the doctor that the claimant cannot lead his normal life. Hence, I am of the view that the multiplier method adopted by the Tribunal is also correct and the same is justified.

6. A glance of the compensation awarded by the Tribunal reveals that no amount had been granted under the head loss of income during treatment period. Hence, I find that the quantum of compensation determined by the Tribunal need not be interfered with.

7. In the above circumstances, finding no merit, by confirming the award of the Tribunal, the Civil Miscellaneous Appeal is dismissed. The rate of interest granted by the Tribunal is also confirmed. The appellant Transport Corporation Company is directed to deposit the entire award amount together with interest to the credit of MCOP No.294 of 2003 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Ponneri, if not already deposited, within a period of eight weeks from the date of receipt of a copy of this order and on such deposit being made, the claimants are entitled to withdraw the entire award amount on filing necessary applications before the Tribunal. There will be no order as to costs in this appeal. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

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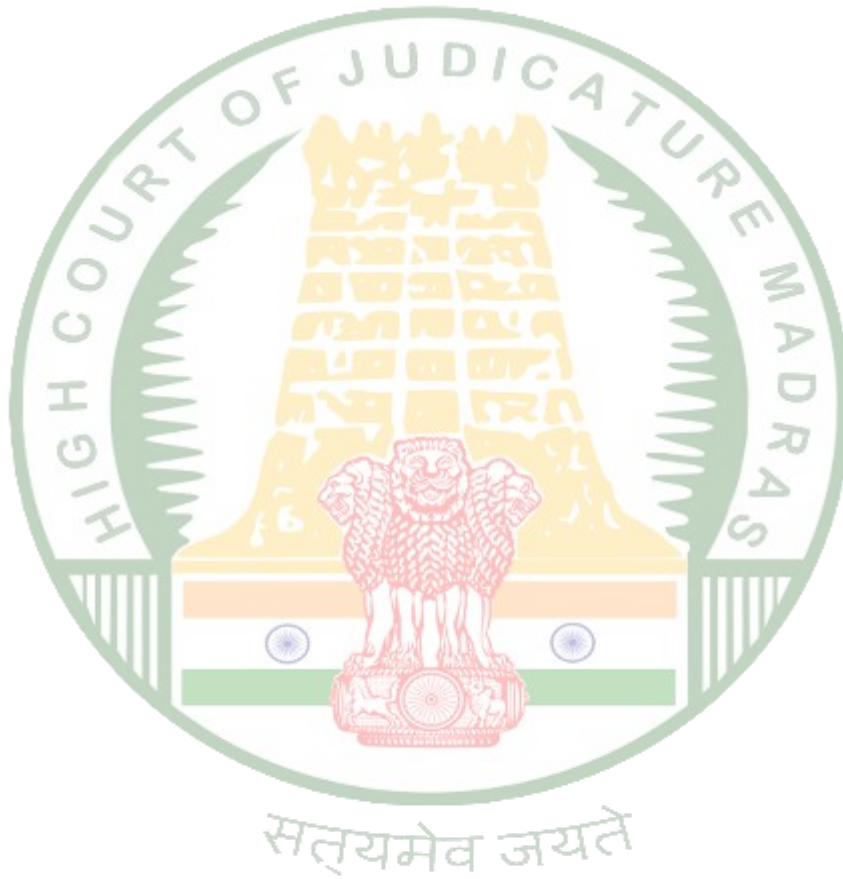
Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal
Subordinate Judge, Ponneri.

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C.M.A. No.1100 of 2016



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