

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

C.M.A.No.1105 of 2016

Tamil Nadu State Transport Corporation
rep. by its Managing Director
Kanchipuram - 631 502 ... Appellant/Respondent

Vs.

E. Thukkaram ... Respondent/Petitioner

Civil Miscellaneous Appeal under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 20-11-2013 made in M.C.O.P.No.1742 of 2011 on the file of Motor Accidents Claims Tribunal, III Small Causes Court, Chennai.

For appellant :: Mr. K.J. Sivakumar

ORDER

The Transport Corporation has filed the appeal aggrieved against the quantum of the award of Rs.8,74,565/- (Rupees Eight lakhs Seventy four thousand Five hundred and Sixty five only) granted by the Tribunal to the injured, who met with an accident on 31-01-2011.

2. The case of the appellant is that the Tribunal has fixed the income of the deceased as Rs.7000/- (Rupees Seven thousand only) without any proof of income and the same should be fixed at Rs.6500/- (Rupees Six thousand five hundred only) taking into account the judgment in Syed Sadiq Vs. Deputy Manager, United India Insurance Co. Ltd., (2014 (1) TNMAC 459).

3. This Court on a careful consideration of the facts of the case is of the considered view that the Tribunal has not taken into account the future prospects of the deceased, which,

if taken into account, 30% of the deceased's income has to be added towards future prospects as per the judgment reported in 2013 (2) TNMAC 55 (Rajesh Vs. Rajbir Singh). In the above circumstances, the income as fixed by the Tribunal at Rs.7000/- (Rupees Seven thousand only) cannot be held to be excessive and the adoption of multiplier method cannot also be found fault with as the injured has sustained Compound Grade II, Fracture Shaft of Femur right Patella right, Mandibular parasymphysis fracture and 130 angle plate was fixed internally, which would affect his day to day work.

4. In the result,

(i) the civil miscellaneous appeal is dismissed.
C.M.P.No.8206 of 2016 is also dismissed.

(ii) There is no modification in the interest granted by the Tribunal.

(iii) Eight weeks' time is granted to deposit the entire award amount as awarded by the Tribunal, less the amount, if any, already deposited.

(iv) On such deposit being made, the claimant is permitted to withdraw the award amount as apportioned by the Tribunal.

However, there will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To
The III Small Causes Court,
Motor Accidents Claims Tribunal,
Chennai.

C.M.A.No.1105 of 2016

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srg 09/08/2016