

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No.1136 of 2016
& Connected M.Ps.

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram 605 602.

.. Appellant/Respondent

Vs.

Veeramuthu

.. Respondent/Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, as against the Judgment and decree dated 14.09.2012 made in M.C.O.P.No.388 of 2010 on the file of Motor Accidents Claims Tribunal (III Additional District Judge), Kallakurichi.

For Appellant :: Mr.K.J.Sivakumar

J U D G M E N T

This Civil Miscellaneous Appeal is preferred by the Transport Corporation as against the judgment and decree dated 14.09.2012 made in M.C.O.P. No. 388 of 2010 on the file of Motor Accidents Claims Tribunal, (III Additional District Judge), Kallakurichi.

2. Heard the learned counsel for the appellant and perused the materials on record.

3. On 24.08.2007, when the injured claimant was riding his motor cycle bearing Registration No.TN-32-S-2163 from Vadaponparapai to Malsiruvalur, a bus bearing registration No.TN-32-N-2616 belonging to the appellant transport corporation, came in a rash and negligent manner and hit the motorcyclist. In the said accident, the claimant sustained grievous injuries. He filed a claim petition claiming compensation to the tune of Rs.2,00,000/-. It is stated in the claim petition that the claimant was working as a mason, aged 38 years and was earning a sum of Rs.5,000/- per month.

4. The Tribunal after elaborate discussions had fixed the monthly income of the claimant at Rs.3,000/- per month and had awarded compensation to the tune of Rs.2,43,000/- under various heads, at 7.5% interest per annum. The details of the award are as follows:-

<i>Sl.No.</i>	<i>Head</i>	<i>Amount granted by the Tribunal</i>
1	Loss of Future earnings	Rs.2,30,400/-
2	Pain and sufferings	Rs 10,600/-
3	Medical Bills	Rs. 2,000/-
	Total	Rs.2,43,000/-

5. The only grievance of the appellant is that the Tribunal has erroneously applied the multiplier method while calculating loss of earning capacity and has accepted the claim without any proof with regard to wages.

6. A reading of the order of the Tribunal would reveal that after taking into account the decision of this Court reported in 2012(2) TNMAC 358(SC), the Tribunal has fixed the monthly income and has adopted the multiplier 16 and arrived at the compensation.

7. Further, the claimant sustained fracture on his right femur bone and injuries all over the body. Since he is working a mason, definitely he will not be able to do his work as before in view of the accident and it could be seen that the Doctor has assessed the disability at 40%. Hence, the adoption of multiplier is justified.

8. In view of the above, this Court does not find any illegality or infirmity in the order of the Tribunal to interfere with the compensation awarded. Finding no merit, this Civil Miscellaneous Appeal is dismissed, confirming the award of the Tribunal as also the rate of interest granted by the

Tribunal.

S. VAIDYANATHAN, J.

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9. The Appellant Transport Corporation is directed to deposit the entire award amount together with accrued interest from the date of claim petition to the credit of M.C.O.P.No.388 of 2010, on the file of the Motor Accidents Claims Tribunal, III Additional District Judge, Kallakurichi, within a period of six weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the respondent/claimant is entitled to make necessary application to withdraw the same. On such deposit, the Tribunal shall pay compensation to the claimant in the form of a crossed Account Payee Cheque, favouring only the claimant and it should not be issued in favour of any other person/Company. No costs. Consequently, connected Miscellaneous Petition is closed.

29.04.2016

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To

The III Additional District Judge,
Motor Accidents Claims Tribunal, Kallakurichi.

