

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1061 of 2016

and

C.M.P. No. 7997 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Railway Station Road,
Kumbakonam

.... Appellant/Respondent

Vs.

Vennila

.... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 31.08.2012, made in M.C.O.P No.108 of 2010 on the file of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Mayiladuthurai.

For Appellant : Mr. D.Venkatachalam

J U D G M E N T

The Transport Corporation has come up with this appeal challenging the negligence and quantum of compensation awarded by the Tribunal.

2. In an accident which occurred on 08.06.2009, the claimant sustained fracture on her left hand and other grievous multiple injuries all over her body. Hence, she filed a Claim Petition before the Tribunal seeking a sum of Rs.6,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.3,96,200/- as compensation, under the following heads:

Heads	Amount
Loss of income	Rs.3,06,000.00
Pain and Suffering	Rs. 5,000.00
Medical Expenses	Rs. 75,180.00

Heads	Amount
Extra nourishment	Rs. 5,000.00
Transport Expenses	Rs. 5,000.00
Total	Rs.3,96,180.00 r/off to Rs.3,96,200.00

3. Learned counsel appearing for the appellant/Transport Corporation would mainly contend that the quantum of compensation awarded by the Tribunal is too high when compared to the injuries sustained by the claimant. He would further contend that the Tribunal ought not to have adopted multiplier method to calculate the loss of income of the injured.

4. Based on the documentary evidences and the deposition of the witnesses, the Tribunal has held that this is a fit case for application of multiplier method as the claimant had sustained fracture in her left hand, which would certainly have an impact in her avocation, as she is not able to use her left hand for any purpose.

5. This Court considered the submissions made by the learned counsel for the appellant and perused the materials available on record. Since the respondents/ claimants are not going to be prejudiced with the result of this Appeal, the main case itself is disposed of at the stage of admission itself, without serving notice to them.

6. A perusal of the records would show that the injured claimant was aged 35 years at the time of accident. The multiplier adopted by the Tribunal as '17' to the age of the injured claimant is correct in view of the ratio laid down by the Supreme Court in the case of Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal towards "loss of income". Taking note of the injuries sustained by claimant, the compensation awarded under other heads is also confirmed.

7. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 7.5% per annum awarded by the Tribunal. It is made clear that if no amount is deposited so far, the appellant/Transport Corporation is directed to deposit the entire award amount together with accrued interest to the credit of M.C.O.P.No.108 of 2010 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Judge, Mayiladuthurai, within a period of eight weeks from the date of receipt of a copy of this order. 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 C.M.P. is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Mayiladuthurai.

2.The Section Officer,
VR Section,
High Court, Madras-104.

Copy to

The Managing Director,
TamilNadu State Transport Corporation Ltd.,
Railway Station Road,
Kumbakonam.

C.M.A.No.1061 of 2016
and
C.M.P. No. 7997 of 2016

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srg 29/07/2016

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