

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1063 of 2016

and

C.M.P. No.8019 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Dharmapuri - 636 705.

... Appellant/Respondent

Vs.

S.Raghunandhan

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 06.10.2012, made in M.C.O.P No.4081 of 2011, on the file of the Motor Accident Claims Tribunal, XV Additional Judge, Chennai.

For Appellant : Mr. D.Venkatachalam

For Respondent : -----

J U D G M E N T

The Transport Corporation has come up with this appeal challenging the quantum of compensation awarded by the Tribunal, in a common order dated 06.10.2012.

2. In an accident which occurred on 09.05.2011, the claimant sustained fracture on his left side chest 2nd and 3rd ribs and fracture in the scapular and multiple injuries all over his body. Hence, he 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.1,97,893.00/- as compensation, under the following heads:

Heads	Amount
Partial Permanent Disability	Rs.1,40,000.00
Medical Expenses	Rs. 37,893.00
Pain & Sufferings, Extra Nourishment & Transport Expenses	Rs. 20,000.00
Total	Rs.1,97,893.00

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 have accepted 70% disability assessed by PW7 Doctor, without following medical procedures.

4. Based on the documentary evidences and the deposition of the witnesses, the Tribunal has held that the claimant had sustained fracture on his left side chest ribs and also a fracture in the scapular, which would certainly have an impact in his avocation. However, considering the age of the injured claimant, the compensation towards partial permanent disability is awarded at the rate of Rs.2000/- per percentage, without adopting multiplier method.

5. A perusal of the records would show that the injured claimant was aged 58 years at the time of accident. Subsequent to the accident, due to the fracture on the ribs, he often gets chest pain and has suffered partial permanent disability, which would certainly have an impact in his avocation and hence the Tribunal is right in assessing his disability at 70% and granting Rs.2000/- per percentage. The medical expenses has been granted as per Ex.P18 medical bills and hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal. Taking note of the injuries sustained by claimant, the compensation awarded under other heads is also confirmed.

6. 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.4081 of 2011 on the file of the Motor Accidents Claims Tribunal, XV Additional Judge, Chennai, 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 Miscellaneous Petition is also closed.
avr

s/d-
Assistant Registrar(V)

True Copy

Sub-Assistant Registrar

To

The XV Additional Judge,
Motor Accidents Claims Tribunal,
Chennai.

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