

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1069 of 2016

and

C.M.P.No.8027 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Kumbakonam, Kumbakonam.

.... Appellant/Respondent

Vs.

Dhanapal

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 22.03.2013 made in M.C.O.P No.203 of 2010 on the file of the Motor Accident Claims Tribunal, Sub Judge, Chidambaram.

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.

2. In an accident which occurred on 08.09.2009, the claimant sustained multiple fractures on his right leg and multiple injuries all over his body. Hence, he filed a Claim Petition before the Tribunal seeking a sum of Rs.3,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.1,13,500/- as compensation, under the following heads:

Heads	Amount
Permanent Disability	Rs. 50,000.00
Pain and Sufferings	Rs. 25,000.00
Attender charges	Rs. 5,000.00
Medical Expenses	Rs. 10,000.00
Extra Nourishment	Rs. 5,000.00
Transport Expenses	Rs. 5,000.00
Partial loss of income	Rs. 13,500.00
Total	Rs.1,13,500.00

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 awarded a sum of Rs.10,000/- under the heading 'medical expenses' without supporting bills.

4. Based on the documentary evidences and the deposition of the witnesses, the Tribunal has held that the claimant had sustained multiple fracture on his right leg, which would certainly have an impact in his avocation, since he is unable to walk independently. 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 65 years at the time of accident. Subsequent to the accident, due to the fracture on his leg, he is unable to walk independently and has suffered permanent disability, which would certainly have an impact in his avocation and hence the Tribunal is right in assessing his disability at 25% and granting Rs.2000/- per percentage. The medical expenses has been granted based on the medical bills produced as Ex.P10 and hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal. Taking note of the injuries sustained by claimant and the age of the claimant, the compensation awarded under other heads are 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.203 of 2010 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Chidambaram, 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(CCC)

//True Copy//

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Chidambaram.

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and
C.M.P.No.8027 of 2016

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srg 08/08/2016

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