

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1070 of 2016

and

CMP.No.8028 of 2016

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

... Appellant

Vs.

1. Dhanalakshmi
2. R.Aravindhan

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 04.09.2013 made in M.C.O.P No.495 of 2010 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Sathyamangalam.

For Appellant : Mr. D.Venkatachalam
For Respondent-1 :

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 03.01.2010, the claimant sustained fractures on her right head, right shoulder, right fore head and other grievous multiple injuries all over her body. Hence, she filed a Claim Petition before the Tribunal seeking a sum of Rs.5,00,000/- 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
Disability 25%	Rs. 50,000.00
Pain and Suffering	Rs. 22,500.00
Attender Charges	Rs. 9,000.00
Extra nourishment	Rs. 9,000.00
Transport Expenses	Rs. 1,000.00
Partial loss of income	Rs. 13,500.00
Total	Rs.1,05,000.00

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 25% disability assessed by PW2 Doctor, without following medical procedures.

4. Based on the documentary evidences and the deposition of the witnesses, the Tribunal has held that the medical reports do not indicate that the claimant would have any impact in his avocation due to the accident and that he can continue his profession as a Mason. The head injuries sustained by him will not affect his future income. However, considering the age of the injured claimant, the compensation towards permanent disability is awarded at the rate of Rs.2000/- per percentage.

5. A perusal of the records would show that the injured claimant was aged 40 years at the time of accident and was working as a Mason. Based on the medical records, the Tribunal has arrived at a right conclusion that the injuries sustained by the claimant will get cured, within a period of three months and so had granted compensation under the headings 'Pain and Sufferings', 'Attender Charges' and 'Extra Nourishment' for a period of three months. However, the Tribunal has also granted compensation towards loss of income for four months, since the claimant was under treatment for a period of four months. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal under other heads also and the same is 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.405 of 2010 on the file of the Motor Accidents Claims Tribunal, Subordinate Judge, Sathyamangalam, within a period of eight

weeks 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.
avr

-s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sathyamangalam.

lrs (co)
prk21/6

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