

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.M.A.No.1549 of 2016

The Managing Director,
Tamilnadu State Transport Corporation Limited,
Villupuram Division ... Appellant/Respondent

.Vs.

Selvam, S/o.Varnamuthu
Rep.by his wife and next friend Kamala ... Respondent/Petitioner

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the Judgment and decree dated 12.10.2015 made in M.C.O.P.No.331 of 2013 on the file of the Motor Accident Claims Tribunal (II Additional District Court) Tindivanam.

For Petitioner : Mr.P.Paramasivadoss

ORDER

Questioning the quantum of compensation, the appellant-Transport corporation has filed this appeal under Section 173 of the Motor Vehicles Act 1988.

2.The respondent being the claimant had moved the Motor Accident Claims Tribunal (Principal District Judge) Tindivanmam, claiming a sum of Rs.20,00,000/- for the injuries and consequently amputation of left leg above the knee.

3. According to the claimant, he was working as a sweeper at Advocate Bar Association, Vanur and earning Rs.5,000/- p.m. and that he was aged about 45 years at the time of occurrence. The doctor who had examined the respondent/claimant had given his evidence saying that his left leg was amputated. After the accident, his thigh level was reduced to 44 c.m. and he had assessed the disability at 85%. Since he was walking in support of a stick, it is very difficult to continue his sweeping profession. The age of the respondent/claimant had

determined at 45 years and his left leg was amputated to the level of 44 c.m. and his disability was assessed at 85%. The Tribunal has found that it may be better to adopt the multiplier system and the earning capacity of the respondent/claimant was considerably reduced. Accordingly, after selection of multiplier of 14 based on the monthly income of Rs.5,000/-, the Tribunal had calculated the loss of earning capacity to the extent of Rs.7,14,000/- and apart from this, the Tribunal had also awarded the following compensation:

Loss of earning capacity	Rs.7,14,000/-
Transportation	Rs. 10,000/-
Extra nourishment	Rs. 10,000/-
Damage to cloth	Rs. 2,000/-
attendant charges	Rs. 3,700/-
Pain and suffering	Rs. 40,000/-
Loss of amenities and enjoyment of life	Rs. 75,000/-
Permanent discomfort	Rs. 75,000/-

Total	Rs.9,29,700/-

The Tribunal had totally awarded a sum of Rs.9,29,700/-, directing the appellant-Transport Corporation to pay this amount along with interest at the rate of 7.5% p.a.from the date of petition till the date of deposit.

4. This Court after giving due consideration has come to the conclusion that the award passed by the Tribunal is in consonance with the disability suffered by the respondent/claimant which does not require any modification or change. Accordingly, this Civil Miscellaneous Appeal is dismissed at the initial stage of admission, confirming the award of the Tribunal. There is no order as to costs.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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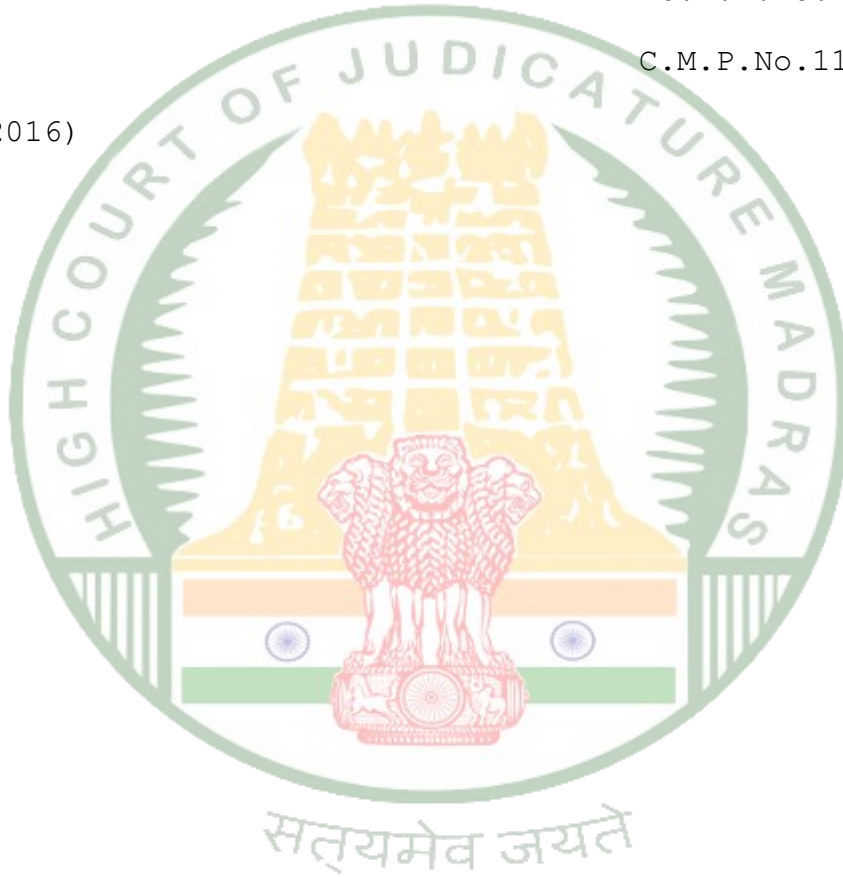
To

The II Additional District Judge
Motor Accident Claims Tribunal
Tindivanam.

+1cc to Mr.P.Paramasivadoss, Advocate, S.R.No.44816

C.M.A.No.1549 of 2016
and
C.M.P.No.11740 of 2016

SCD(CO)
CA(25/10/2016)



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