

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.1582 of 2016

and

C.M.P.No.11914 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Kumbakonam Ltd.,
Periyamilaguparai,
Trichy-1.

...Appellant/Respondent

Versus

Radhakrishnan

.... Respondent/petitioner

Prayer: Civil Miscellanies Appeal has been filed under Section 173 of the Motor Vehicles Act of 1988, against the Judgement and decree dated 30.10.2015 passed in M.C.O.P.No.359 of 2014 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Perambalur.

For Appellant :Mr.D.Venkatachalam
For Respondent :Mr.T.Gobinath

JUDGMENT

Questioning the quantum of compensation, the appellant/Transport Corporation has preferred the present Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act 1988.

2. The respondent herein had moved the Claims Tribunal with a Claim Petition in MCOP No.359 of 2014, claiming a sum of Rs.15,00,000/- towards compensation for the injuries sustained

by him in a road traffic accident, said to have been taken place on 12.10.2013 at about 6.45 p.m., at Annamangalam Four Road, Perambalur, involving a passenger bus bearing registration No.TN-72-N-1328 belonging to the appellant/Transport Corporation.

3. According to the respondent/claimant, in the said accident, he had sustained serious injuries viz., Severe head injury, Diffuse Axonal Injury, Multiple Rib Fracture with Flial Chest, Subcutaneous Emphysema in the left side, Fracture in the left ankle right parasympysis, mandible, Fracture in the neck of Scapula, Fracture in the acromium of left shoulder and Rheumatic Heart disease.

4. The appellant/Transport Corporation had contested the claim petition by filing their counter statement. Based on the evidences both oral and documentary available on record, the Tribunal had proceeded to award compensation for a sum of Rs.8,79,662/- under the following heads. The Tribunal had determined the monthly income of the respondent/claimant @ Rs.4,500/- per mensum. The Tribunal after adopting the multiplier of 16, had granted a sum of Rs.5,78,880/- towards loss of income. Apart from this, the Tribunal had also awarded compensation under the following heads:

(i)Attendantcharges	Rs.10,000/-
(ii)Pain&Sufferings	Rs.50,000/-
(iii)MedicalExpenses	Rs.2,10,782/-
(iv)TransportCharges	Rs.10,000/-
(v)ExtraNourishment	Rs.20,000/-
Total	Rs.8,79,662/-

5.On perusal of the award, it is revealed that the respondent/claimant was aged about 33 years at the time of accident. The Tribunal had determined the monthly income of the respondent/claimant @ Rs.4,500/- per mensum. Based on Ex.P16, the Disability Certificate issued by PW2, Dr.Saravanan, the Tribunal had fixed the total disability @ 67%. Therefore, since the deceased was aged about 33 years at the time of accident, the multiplier of 16 was selected. Accordingly, towards loss of earning capacity to the extent of 67%, the Tribunal had assessed the loss of income to the extent of Rs.5,78,880/-. Apart from this amount, as afore stated, the

Tribunal had also awarded the compensation under the above said heads.

6. Totally, the Tribunal had awarded a sum of Rs.8,79,662/-, directing the appellant/Transport Corporation to pay this amount alongwith interest @ 7.5 % per annum.

7. This Court after careful consideration of the submission made by the learned counsel on either side and on perusal of the award finds that the award does not require any interference or modification as there is no infirmity in the award of the Tribunal.

8. Hence, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. Consequently, connected miscellaneous petition is closed. No costs.

9. The appellant/Transport Corporation is directed to deposit the entire award amount alongwith proportionate accrued interest @ 7.5% per annum within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent/claimant is entitled to withdraw the total deposited amount alongwith accrued interest without making any formal application seeking permission.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Motor Accident Claims Tribunal,
(Principal District Judge),
Perambalur.

+1 cc to Mr.D.Venkatachalam Advocate sr 43748
+1 cc to Mr.T.Gobinath Advocate sr 43877

C.M.A.No.1582 of 2016
and
C.M.P.No. 11914 of 2016

aa02/09/2016