

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

C.M.A.No.250 of 2015

and

M.P.Nos.1 and 2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
No.3/137, Salamedu, Villupuram Division,
Villupuram.

...Appellant/Respondent

-Versus-

Ashanbasheer

..Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 against the judgment and decree passed by the Motor Accident Claims Tribunal, Cheyyar, (In the Court of Subordinate Judge of Cheyyar) in M.C.O.P.No.157 of 2010 dated 16.04.2014 for awarding compensation.

For Appellant : Mr.P.Paramasiva Doss

For Respondent : Mr.S.Makesh

JUDGMENT

By consent of both parties, this appeal is taken up for final disposal.

2. The respondent herein suffered an injury in an accident that was caused by a bus owned by the appellant Corporation. The Tribunal has awarded a sum of Rs.8,97,210/- under the following heads:

Loss of income	-	Rs. 50,000/-
Transport to Hospital	-	Rs. 10,000/-
Extra Nourishment	-	Rs. 10,000/-
Medical expenses	-	Rs.4,27,210/-
Pain and sufferings	-	Rs. 40,000/-

Permanent disability	- Rs.3,60,000/-

Total	- Rs.8,97,210/-

3. The above said compensation is based on the 20% disability and applying the multiplier method. The appellant objected for awarding a sum of Rs.50,000/- (Rupees fifty thousand only) towards loss of income, since the multiplier method is followed for awarding compensation towards permanent disability. I am not going into the merits of the issues, since the learned counsel for the respondent has submitted that he has no objection for reducing the award of compensation towards the head of loss of income and also submits that the award may be confirmed. The learned counsel for the appellant also agreed for the same.

4. In view of the said submission, the learned counsel appearing for the parties agreed for a deduction of a sum of Rs.70,000/- (which is equivalent to the compensation awarded towards loss of income (i.e., Rs.50,000/-) and the interest accrued towards the same as Rs.20,000/-) and also has made an endorsement to that effect. Accordingly, the award of compensation of Rs.8,97,210/- (Rupees Eight lakhs Ninety seven thousand two hundred and ten only) is modified to Rs.8,27,210/- (Rupees Eight lakhs Twenty seven thousand two hundred and ten only) .

5. Pursuant to the order dated 27.02.2015 in M.P.No.1 of 2015, the appellant Transport Corporation deposited the entire award amount. From the said deposit, the appellant/Transport Corporation is permitted to withdraw a sum of Rs.70,000/- (Rupees Seventy thousand only) and the respondent/claimant is permitted to withdraw the rest of the amount i.e., Rs.8,27,210/- (Rupees Eight lakhs Twenty seven thousand two hundred and ten only) and interest thereon.

6. With the above modification, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.
vsm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Motor Accident Claims Tribunal,
Court of the Subordinate Judge, Cheyyar.

+ 1 cc to Mr.P.Paramasiva Doss, Advocate Sr 11993

+ 1 cc to Mr.S.Makesh, Advocate Sr 11622

KR/1/3/16

C.M.A.No.250 of 2015



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