

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/4/2016

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.866 of 2016

The Managing Director
Tamil Nadu State Transport Corporation
12 Ramakrishna Road
Salem.

... Appellant/Respondent

Vs

Mariappan @ Marimuthu

... Respondent/Petitioner

Appeal filed under Section 173 of the Motor vehicles Act, 1988 against the judgment and decree dated 15/9/2012 made in M.C.O.P.No.55 of 2011 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Namakkal.

For appellant

...

Mr.D.Venkatachalam

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the judgment and decree dated 15/9/2012 made in M.C.O.P.No.55 of 2011 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Namakkal.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. On 8/7/2010, at about 7.30 a.m., while the petitioner was traveling in a two wheeler, bearing Registration No.TN45A-1292, with one Vignesh as pillion rider, a Government bus bearing Registration No.TN30N-0403 came in the opposite direction in a rash and negligent manner, hit against the two wheeler, due to which, the petitioner had sustained multiple grievous injuries all over his body, including fractures on his right thigh, left leg and right hip. Immediately, the petitioner was admitted in the Government Hospital, Velur and then he was shifted to CM Hospital at Namakkal and he spent

Rs.75,000/- towards medical expenditure. The petitioner, aged 23 years, claiming to be the owner of mutton stall, earned Rs.15,000/- per month.

4. The Tribunal based on the oral evidence of the witnesses and documentary evidence, granted the following amounts as compensation with 7.5% p.a.

S.NO.	HEAD	AMOUNT
1.	Loss of Income due to permanent disability	Rs.1,20,000/-
2.	Expenditure towards the attenders in hospital	Rs. 10,000/-
3.	Pain & Suffering	Rs. 20,000/-
4.	Nutrition	Rs. 10,000/-
5.	Transport & Other Incidental expenses	Rs. 4,500/-
6.	Medical Expenses	Rs. 30,000/-
7.	Loss of Future Prospectus	Rs. 50,000/-
8.	Loss of income during treatment & recovery period	Rs. 10,500/-
	TOTAL	Rs.2,55,000/-

5. The main contention of the learned counsel appearing for the appellant is that the Tribunal ought not to have awarded a sum of Rs.3,000/- for one disability, which is on the higher side. The learned counsel appearing for the appellant would further submit that the compensation claimed by the petitioner is highly excessive and prays for allowing of the Civil Miscellaneous Appeal.

6. The Tribunal, taking note of the age of the petitioner has fixed the monthly income at Rs.3,500/- p.m. The Honourable Apex Court, in the judgment rendered in Karuppasamy Vs. M.Thirumal and Others reported in CDJ 2015 MHC 2735, has held that a sum of Rs.3,000/- can be awarded for one disability. Hence the award of the tribunal in granting compensation to the petitioner cannot be said to be excessive.

7. In view of the above, finding no merit, by confirming the award of the Tribunal, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

8. The Appellant Transport Corporation is directed to deposit the entire award amount together with interest at 7.5% p.a., from the date of claim petition, before the Tribunal, if not already deposited, within a period of four weeks, from the date of receipt of a copy of this order and on such deposit being made, the respondent is entitled to make necessary application to withdraw the same.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mvs

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Namakkal.

+1 cc to Mr.D.venkatachalam Advocate sr.24430

C.M.A.No.866 of 2016

aa20/07/2016

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