

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.955 of 2016
and
C.M.P. No.7343 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation Limited,
Villupuram Division,
Villupuram.

... Appellant/Respondent

Vs.

Rasheed Khan

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decreetal order dated 02.07.2014 made in M.C.O.P No.46 of 2013 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge-I, Villupuram.

For Appellant : Mr. K.J.Sivakumar

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 23.02.2011, whereby the appellant Transport Corporation bus dashed against the respondent/claimant who was standing on the extreme left side of the road near VLP Artho Clinic in Villupuram to Trichy National Highways. Due to which, the claimant sustained grievous injuries all over the body. Hence, he filed a Claim Petition before the Tribunal seeking a sum of Rs.10,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.2,96,900/- as compensation, under the following heads:

Heads	Amount
Permanent Disability at 45%	Rs.2,75,400.00
Pain and Sufferings	Rs. 15,000.00
Damages of clothes	Rs. 500.00
Transportation	Rs. 1,000.00
Medical Expenses	Rs. 5,000.00.00
Total	Rs.2,96,900.00

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 the Doctor has wrongly fixed the disability at 45% without following medical norms. He would further contend that the Tribunal ought not have adopted multiplier method to calculate the loss of future earning capacity since the disability sustained by him would not affect his earning capacity. Further there is no valid document to prove his age and income.

4. A perusal of the records would show that the injured claimant was aged 19 years and was working as a butcher, at the time of accident. Moreover, he has taken treatment in three hospitals, viz., 1.Government Hospital, Mundiyaibakkam, 2. Government Hospital, Villupuram and 3.Stanley Medical Hospital, Chennai, has undergone a surgery in his right hand finger, and still he is under treatment. The Tribunal has rightly adopted the multiplier '17' considering his age and avocation. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal towards "permanent disability". Taking note of the injuries sustained by claimant and the period of treatment undergone by the claimant, the compensation awarded under other heads is also confirmed. Hence, this Court finds that the quantum of compensation is not excessive and hence the same is confirmed.

5. 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. The appellant/Transport Corporation is directed to deposit the entire award amount together with accrued interest, less the amount already deposited, if any, to the credit of M.C.O.P.No.46 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge-I, Villupuram, within a period of eight 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.No.7343 of 2016 is also closed.

6. The Trial Court is expected to follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kal/aeb

To

The Special Subordinate Judge-I,
Motor Accidents Claims Tribunal,
Villupuram.

1 cc to Mr.K.J.Sivakumar, Advocate, sr.25702

C.M.A.No.955 of 2016
and
C.M.P. No.7343 of 2016

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kra 21.09.2016

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