

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.255 of 2014

The Managing Director,
Tamil Nadu State Transportation
Corporation Ltd.,Bharathipuram,
Dharmapuri - 5.

.... Appellant/Respondent

Vs.

Bali

... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 25.03.2013 made in M.A.C.T.O.P No.201 of 2013 on the file of the Special Sub Judge, Krishnagiri.

For Appellant : Mr.D.Venkatachalam

For Respondent : Mr.Mukund R.Pandian

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 11.10.2004, the claimant sustained fracture on his right femur and other multiple injuries all over his body. Hence, he filed a Claim Petition before the Tribunal seeking a sum of Rs.7,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.3,28,200/- as compensation, under the following heads:

Heads	Amount
Loss of income	Rs. 2,59,200.00
Pain and Suffering	Rs. 25,000.00
Partial Loss of income	Rs. 24,000.00
Extra nourishment	Rs. 10,000.00
Transportation to Hospital	Rs. 10,000.00
Total	Rs. 3,28,200.00

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 compared to the injuries sustained by the claimant. He would further contend that the Tribunal ought not have adopted multiplier method to calculate the loss of income of the injured.

4. On the other hand, learned counsel appearing for the respondent/claimant would submit that this is a fit case for application of multiplier method as the claimant had sustained fracture in his right thigh, which would certainly have an impact in his avocation, as he is working in a power loom factory.

5. A perusal of the records would show that the injured claimant was aged 22 years at the time of accident. The multiplier adopted by the Tribunal as '18' to the age of the injured claimant is correct in view of the ratio laid down by the Supreme Court in the case of Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal towards "loss of income". Taking note of the injuries sustained by claimant, the compensation awarded under other heads is also confirmed.

6. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 6% per annum awarded by the Tribunal. It is made clear that if no amount is deposited so far, the appellant/Transport Corporation is directed to deposit the entire award amount together with accrued interest to the credit of M.C.O.P.No.201 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Krishnagiri, 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 M.P.No.1 of 2014 is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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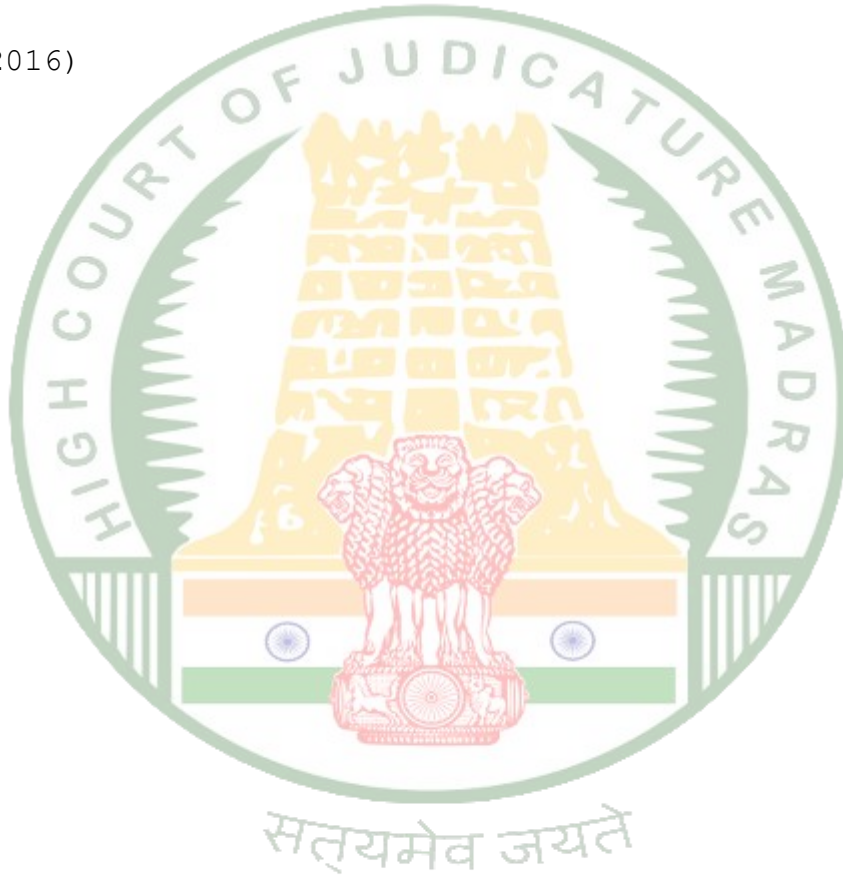
To :

The Special Sub Judge,
Motor Accidents Claims Tribunal,
Krishnagiri.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.14509

C.M.A.NO.255 of 2014

CTK (CO)
CA (30/03/2016)



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