

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.3263 of 2014

The Managing Director,
TNSTC (Kum) Ltd.,
No.46, Railway Station Road,
Kumbakonam @ Periyamilaguparai,
Trichy, Tamil Nadu. ... Appellant/Respondent

Vs.
Thangasamy ... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 05.12.2013 made in M.C.O.P.No.242 of 2010 on the file of the Motor Accidents Claims Tribunal, IV Additional District Judge, Ponneri.

For Appellant : Mr.D.Venkatachalam

J U D G M E N T

The Transport Corporation has come up with this appeal mainly challenging the quantum of compensation awarded by the Tribunal.

2. In an accident which occurred on 14.02.2010, the claimant, Thangasamy, aged 73 years, sustained injuries. He filed a Claim Petition before the Tribunal seeking a sum of Rs.1,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.66,000/- as compensation. Details of the award are as follows:

Heads	Amount
Transport to Hospital	Rs. 1,000.00
Extra nourishment	Rs. 10,000.00
Pain and suffering	Rs. 5,000.00
Disability 25%	Rs. 50,000.00
Total	Rs. 66,000.00

3. Learned counsel appearing for the appellant/Transport Corporation contended that the Tribunal ought not to have fixed the permanent disability of the claimant at 25%, as the claimant has suffered only simple injuries. He also contended that a sum of Rs.10,000/- towards extra nourishment is on the higher side.

4. According to the claimant, he was aged 73 years at the time of accident and he has no source of income. P.W.2 - Doctor, who examined the claimant assessed his permanent disability at 25% and issued Disability Certificate vide Ex.P6. If the claimant is of an young age, certainly, this Court will be constrained to go into the nature of injuries suffered by him and ascertain its genuineness. But, in the case on hand, the injured is a septuagenarian. Injuries of any kind take more time to heal for old people. This Court also finds that no amount is awarded towards 'Attender charges', as old people with injuries cannot move around even to attend their nature's call, without an Attender. Hence, this Court finds no reason to interfere with the percentage of disability fixed by the Tribunal as also the compensation awarded under various heads, as they are just and reasonable.

5. Thus, compensation of a sum of Rs.66,000/- (Rupees Sixty Six Thousand only) awarded to the age-old injured claimant for the accident which took place in the year 2010, is confirmed. The interest awarded at the rate of 7.5% per annum is also confirmed.

6. 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.242 of 2010 on the file of the Motor Accidents Claims Tribunal, IV Additional District Judge, Thiruvallur @ Ponneri within a period of four 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.

In fine, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected M.P.No.1 of 2014 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

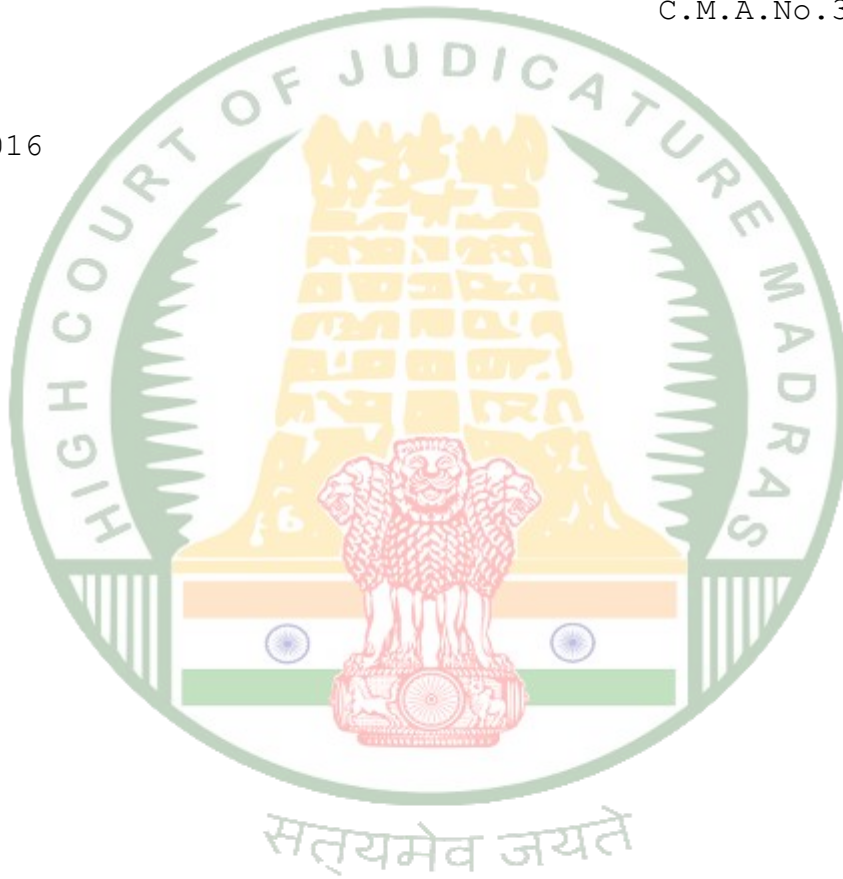
To :

The IV Additional District Judge,
Motor Accidents Claims Tribunal,
Ponneri.

+1 cc to Mr.D.Venkatachalam Advocate sr 14507

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