

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.3261 of 2013

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Kumbakonam Railway Station New Road,
Kumbakonam 612 001. ... Appellant/Respondent

Vs.

1. Arumugam ...Respondent/Petitioner
2. Gopalakrishnan
3. United India Insurance Co. Ltd.,
Nethaji Road, Cuddalore 607 001... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 26.04.2013 made in M.A.C.T.O.P No.1078 of 2008 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Cuddalore.

For Appellant : Mr.D.Venkatachalam

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 13.02.2008, the claimant sustained grievous injuries and he was immediately taken to Raja Muthiah Medical College Hospital, Chidambaram and is still undergoing treatment at private hospitals. Hence, he filed a Claim Petition before the Tribunal seeking a sum of Rs.20,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.1,99,200/- as compensation, under the following heads:

Heads	Amount
Disability	Rs.1,51,200.00
Medical expenses	Rs. 10,000.00
Pain and Suffering	Rs. 20,000.00
Loss of future income	Rs. 10,000.00

Heads	Amount
Extra nourishment	Rs. 3,000.00
Transportation expenses	Rs. 5,000.00
Total	Rs.1,99,200.00

3. It is the contention of the learned counsel appearing for the appellant/Transport Corporation that the Tribunal ought not to have awarded a sum of Rs.1,51,200/- towards 'disability' by adopting multiplier method and that the disability sustained by the claimant would not affect his future earning capacity.

4. A perusal of the records shows that the injured claimant was a Fisherman, aged 41 years at the time of accident. Though the Doctor assessed the disability of the claimant at 55% vide Ex.P14-Disability Certificate, the Tribunal has fixed his disability only at 18%. The contention of the counsel for the appellant/Transport Corporation that this is not a fit case for applying multiplier method cannot be accepted, as the injured claimant who is a Fisherman is mainly dependent on his physical strength to continue his avocation. Hence, this Court is not inclined to interfere with the compensation awarded by the Tribunal towards "disability". Further, taking into account the injuries sustained by claimant, this Court finds that the compensation awarded under other heads are also just and reasonable and they do not require any interference.

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. 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.1078 of 2008 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Cuddalore 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. No costs. Consequently, connected M.P.No.1 of 2013 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

aeb

To :

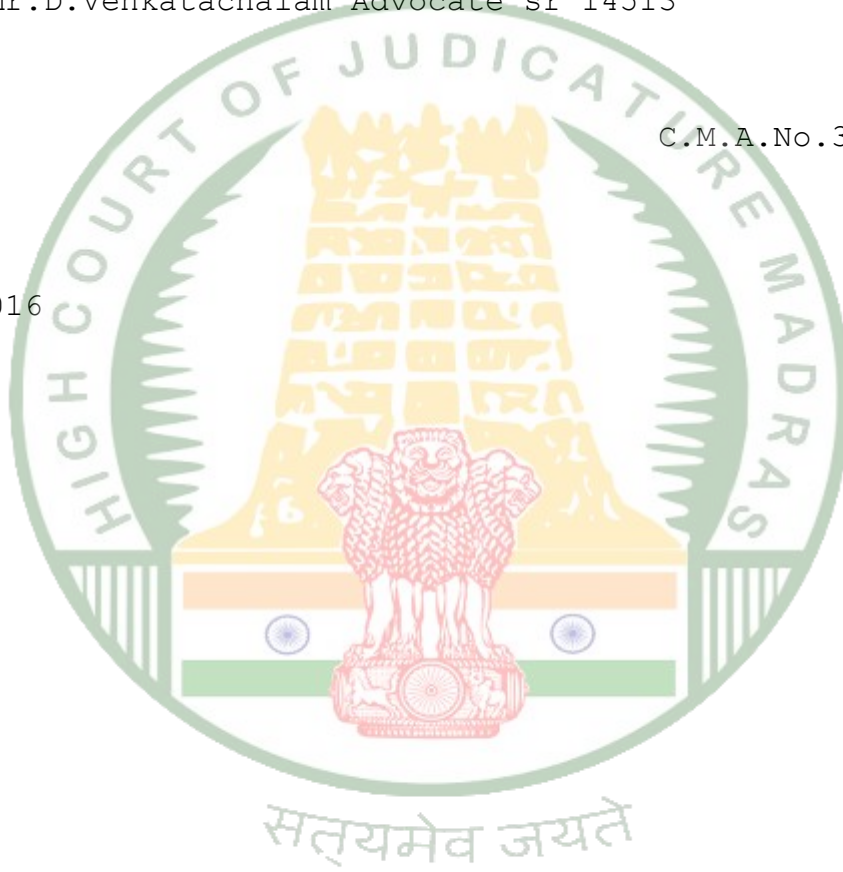
1.The Principal Subordinate Judge,
Motor Accidents Claims Tribunal,
Cuddalore.

2.The Section Officer
VR Section High Court, Madras

+1 cc to Mr.D.Venkatachalam Advocate sr 14513

C.M.A.No.3261 of 2013

aa23/09/2016



WEB COPY