

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Rev.Appl.No.83 of 2016
in CMA No.2931 of 2014

S.Selvakumar ... Petitioner

Vs

1. The Managing Director,
State Express Transport Corporation,
Thiruvallur House,
Pallavan Salai,
Chennai - 600 002. ... 1st Respondent/Appellant

2.Prakash Babu

3.Oriental Insurance Company
Rep.by its Branch Manager,
No.3607/21, 2nd Floor,
Satyamurthy Street,
Pudukottai Town. ... Respondents 2 & 3 / Respondents 2 & 3

Prayer : Review Petition filed under Order 47 Rule 1 r/w 114 of Civil Procedure Code to review the judgment and order in CMA No.2931 of 2014 on the file of the High Court, Madras dated 18.12.2014.

For Petitioner : Ms.R.Kamal Rani

For R-1 : Mr.K.J.Sivakumar

ORDER

The review petition has been filed to recall the order dated 18.12.2014 passed in CMA No.2931 of 2014 by which this Court reduced the compensation awarded by the tribunal in favour of the review petitioner from Rs.6,28,604/- to Rs.3,24,054/-, rounded off to Rs.3,25,000/-, on the ground that the petitioner did not loose his job which he was doing at the time of accident. However, it is brought to the knowledge of this Court that the petitioner already lost his job on 15.05.2014, i.e. at the time of hearing of the appeal during the year 2014.

2. The above said fact was not brought to the notice by the learned counsel who argued the matter on behalf of the petitioner in the appeal and therefore alongwith the documents, to prove that the petitioner already lost his job on 15.05.2014 at the time of hearing the appeal on 18.12.2014, the present petition has been filed.

3. Heard Ms.Kamal Rani, learned counsel appearing for the petitioner and Mr.K.J.Sivakumar, learned counsel appearing for the first respondent/Transport Corporation.

4. Since the appeal has been preferred only by the Transport Corporation and the said Corporation is represented by Mr.K.J.Sivakumar, learned counsel and the other respondents are only formal parties, there is no necessary for this court to issue notice to them.

5. A perusal of the records produced by the learned counsel for the petitioner would show that the petitioner had already lost his job on 15.05.2014 and in those circumstances, the order passed, without taking into consideration the loss of job by the petitioner has to be reviewed. Hence, the order of this court dated 18.12.2014 is reviewed and recalled.

6. Taking into consideration the nature of injuries sustained by the petitioner, the tribunal adopted multiplier method and awarded a sum of Rs.4,74,300/- towards loss of future prospects. Though it is evident from PW2- Branch Manager of Sheenlac Paint Company that the petitioner was still working in Sheenlac Paint Company and got promotion also, the documents produced by the learned counsel for the petitioner as additional documents under Order 41 Rule 27 viz. resignation letter dated 22.03.2014, e-mail communication of petitioner dated 08.05.2014, e-mail communication of employer to petitioner dated 09.05.2014 and other communications dated 10.05.2014 would show that the petitioner already lost his job and therefore the application of multiplier

method adopted by the tribunal is justified. Therefore, the amount of Rs.4,74,300/- awarded towards loss of future prospects is justified.

7. In view of the above circumstances, the compensation of Rs.6,28,604/- awarded by the tribunal alongwith interest @ 7.5% per annum is confirmed.

8. In the result, the Review application is allowed. Consequently, the Civil Miscellaneous Appeal is dismissed. No costs.

09.08.2016

rgr
Index : Yes/No

To

The Managing Director,
State Express Transport Corporation,
Thiruvallur House,
Pallavan Salai,
Chennai - 600 002.

N.KIRUBAKARAN, J.

rgr

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