



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.1260 of 2015
and
C.M.P. (MD) .No.5148 of 2016

The Inspector General of Prison,
Anna Salai,
Chennai - 600 002

.. Appellant/Respondent

Vs.

P.Raja

.. Respondent/Claimant

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, against the fair and decreetal order, dated 13.11.2013, made in M.C.O.P.No.619 of 2011 on the file of the Motor Accidents Claims Tribunal (III-Additional Subordinate Judge), Madurai.

For Appellant : Mr.R.Anandharaj
Government Advocate

For Respondent : Mr.C.Godwin

JUDGMENT

Aggrieved over the award dated 13.11.2013, passed by the Motor Accidents Claims Tribunal/III-Additional Sub Judge, Madurai, in M.C.O.P.No.619 of 2011, the present appeal has been filed.

2.The respondent herein has filed the claim petition seeking compensation of Rs.10 lakhs on the ground that on 22.02.2007, when he was going by foot from East to West direction of the Madurai-Rameshwaram Main Road, an Ambassador car bearing Reg.No.TN-01-G-0953 came in a rash and negligent manner and knock down the claimant. In the impact, the claimant has sustained grievous injuries and immediately he was taken to the Government Rajaji Hospital, Madurai for treatment.

3. The appellant resisted the claim petition by filing a counter claim disputing the manner of accident and their liability. The appellant has also disputed the age, occupation and income of the claimant.



4. In order to prove the case, the claimant examined himself as PW1 and examined 2 other witnesses as PWs 2 and 3. PW1 is also marked Ex.P1/FIR to show that a criminal case was registered against the driver of the car. The driver of the car namely Manjamalai was examined as RW1 and he produced Ex.R1/ Copy of the judgment to show that he was acquitted by the criminal court. The Tribunal accepting the evidence of PW1, Ex.P1/FIR, Ex.P2/ Charge Sheet and Ex.P4/the report of the motor vehicle Inspector, rightly came to the conclusion that the driver of the car has caused the accident.

5. PW1 deposed that he was working as a carpenter and earning Rs.6000/- p.m. and he suffered 79% of disability. PW3 Dr.Sankarlal corroborates the evidence of PW1 and also issued Ex.P.15/disability certificate, stating that the claimant has suffered 79% of disability.

6. Since the claimant has not proved his income, the Tribunal Assessed the income at Rs.4,500/- p.m. Taking into consideration, the age of the claimant, the Tribunal has adopted multiplier of 17 and awarded Rs.7,25,200/- under the head of permanent Disability. In addition, the Tribunal has awarded Rs.1000/- towards transport to hospital, Rs.10,000/- towards extra nourishment, Rs.20,000/- towards pain and sufferings, Rs.50,000/- towards loss of amenities and Rs.14,275/- towards medical expenses, based on Ex.P8 to P10. The Tribunal has totally awarded Rs.8,20,495/- together with interest at the rate of 7.5% per annum.

7. Heard the learned counsel appearing for the appellant and learned counsel appearing for the respondent and perused the records.

8. In my considered opinion, the award of the Tribunal is fair and reasonable. Therefore, the same is confirmed and this Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

9. It is further represented by the learned Government Advocate that the appellant has deposited 50% of the award amount, as per the order of this Court. In view of the dismissal of the appeal, the appellant is directed to deposit balance award amount, within a period of 12 weeks from the date of receipt of a copy of this order.



10. On such deposit being made by the appellant, the claimant is directed to withdraw entire award amount without filing any formal petition.

Sd/-

Assistant Registrar(CS-I)

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/True Copy/

Sub Assistant Registrar

To
III-Additional Subordinate Judge
(Motor Accidents Claims Tribunal),
Madurai.

+1cc to M/s.C.Godwin, Advocate SR.No.46612

+1cc to Special Government Advocate SR.No.47275

C.M.A. (MD) No.1260 of 2015

23.08.2016

pjl

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