



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) .No.874 of 2016

and

C.M.P. (MD) No.8091 of 2016

M/S.TAMILNADU STATE TRANSPORT
CORPORATION (KUMBAKONAM DIVISION II) LTD.,
REP BY ITS MANAGING DIRECTOR,
PERIYAMILAGUPARAI, CANTONMENT,
TRICHY - 1. .. APPELLANT/1ST RESPONDENT

Vs

1 J.MANIKANDAN .. 1ST RESPONDENT/PETITIONER

2 MRS.K.PREMARANI
OFFICE SUPERINTENDENT, DRM OFFICE,
TIRUCHIRAPPALLI JUNCTION, SOUTHERN RAILWAY,
TRICHY - 1.

3 M/S. THE NEW INDIA ASSURANCE COMPANY LTD.,
REP. BY BRANCH MANAGER,
43-A/2, JUMAN CENTRE, PROMENADE ROAD,
CANTONMENT, TRICHY - 1. .. RESPONDENTS 2 AND 3/
RESPONDENTS 2 AND 3

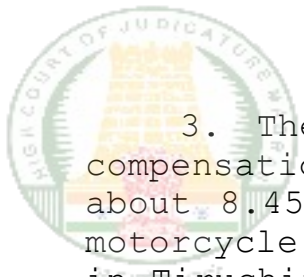
PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988, to allow this appeal and set aside the Judgment and Decree made in MCOP.No.113 of 2008 dated 01.04.2013 on the file of the Motor Accident Claims Tribunal / III Additional Sub Court , Tiruchirappalli.

For Appellant	: Mr.P.Prabhakaran
For R-1	: N.Sudhagar Nagaraj
For R-2	: Mr.N.Sivasubramani
For R-3	: Mr.J.S.Murali

JUDGMENT

Aggrieved over the award passed by the Motor Accidents Claims Tribunal(III Additional Subordinate Court), Tiruchirappalli, in M.C.O.P.No.113 of 2008, dated 01.04.2013, the appellant/Transport Corporation has preferred this appeal.

<https://hcservices.courts.gov.in/hcservices> On the learned counsel appearing for the appellant and the learned counsel appearing for the respondents and perused the records.



3. The first respondent/claimant filed a petition claiming compensation of Rs.10,00,000/-, alleging that on 02.02.2007 at about 8.45 a.m., when he was travelling as a pillion rider in a motorcycle bearing Registration No.TN 45-J-0678 on Pudukottai road in Tiruchirappalli, a bus bearing Registration No.TN 45-N-2257 came in a rash and negligent manner from the opposite direction, hit against the motorcycle. In the impact, the claimant was thrown away and sustained multiple injuries and fracture.

4. Before the Tribunal, the claimant has produced Ex.P.10 and Ex.P.11 Disability Certificate and X-Ray, to prove that he had sustained 70% permanent disability. P.W.2 Dr.L.Ilangovan corroborated the evidence of the claimant. The Tribunal accepting the evidence of the claimant has awarded Rs.4,78,800/- towards permanent disability by applying multiplier of '19'.

5. The learned counsel for the appellant and the learned counsel for the claimant would submit that the proper multiplier is '18'. Hence, the claimant would be entitled for Rs.4,53,600/- ($3000 \times 12 \times 18 \times 70/100$) towards permanent disability. In other respect, the award passed by the Tribunal is confirmed.

6. In the result, the Civil Miscellaneous Appeal is partly allowed. The award amount is reduced from Rs.8,43,246/- to Rs.8,18,000/- (Rupees Eight Lakhs and Eighteen Thousand only). The appellant/Transport Corporation is directed to deposit the said modified amount along with proportionate interest and costs within a period of twelve weeks, from the date of receipt of the copy of this Judgment.

7. On such deposit being made, the claimant is permitted to withdraw the entire amount without filing any formal petition before the Tribunal. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

The Additional Motor Accidents Claims Tribunal,
III Additional Subordinate Court,
Thiruchirappalli.

+1 CC to MR.J.S.MURALI, Advocate, S.R.NO.48703

pmu

sm:EM-MPA:SAR 3:25/10/2016:2P/3C

C.M.A. (MD) .No.874 of 2016

and

C.M.P. (MD) No.8091 of 2016

30.08.2016