

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

CMA.No.1228 of 2009
and MP.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Division – II,
Chennimalai Road,
Erode.

... Appellant

Vs.

Kanageshwari

... Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment in M.A.C.T.O.P.No.264 of 2004 dated 26.03.2007 on the file of the Motor Accident Claims Tribunal (Fast Track Court No.4), Coimbatore at Tiruppur.

For Appellant : Mr.N.Anand

For Respondent : No Appearance

JUDGMENT

The Transport Corporation has challenged the quantum of compensation awarded to his passenger (claimant before the Tribunal) who suffered injury in a road accident involving the said bus with another car that took place on 15.01.2004. Before the Tribunal, the claimant contended that she was working in M/s.Venkateswara Exports on a monthly salary of Rs.3,000/- and owing to the accident that took place on 15.01.2004, she had suffered fracture to her left wrist, left shoulder which had impaired her ability to work

and sought a compensation of Rs.7,25,000/- and restricted it to Rs.5,00,000/-.

2. The Tribunal assessed the disability at 18% and awarded Rs.1,32,160/- as total compensation payable with interest @ 7.5% per annum. Out of the said amount, the compensation towards loss of future income is determined at Rs.1,10,160/- and the remaining are distributed among the other heads of damages viz., for pain and suffering Rs.20,000/-; for transportation Rs.1,000/- and for nourishment Rs.1,000/-.

3. Before this Court the learned counsel for the appellant contended that the complainant has not produced any evidence whatsoever to prove her employment as well as her income as claimed and therefore, the Tribunal was wrong in awarding her compensation on the head of loss of earning capacity.

4. The respondent/claimant was served but did not appear. On a perusal of the records, I find that the approach of the Tribunal is not entirely at fault. At any rate, what might be considered as excessive compensation has lost its significance in the last 12 years owing to inflationary trends. I therefore do not find any reason to interfere with the said award. In conclusion, I find no merit in the appeal and hence it is dismissed but without costs. If the appellant has not deposited the entire amount that has been directed by the

Tribunal, it is directed to deposit the entire award amount with accrued interest within four weeks from the date of receipt of a copy of this order and thereupon, the claimant is permitted to withdraw the same forthwith. Consequently, connected miscellaneous petition is closed.

04.01.2017

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Index : Yes/No
Internet:Yes/No

To

- 1.The Motor Accidents Claims Tribunal,
Fast Track Court No.4, Coimbatore.
- 2.The Section Officer,
VR Section,
High Court, Madras.

N.SESHASAYEE, J.

ds

CMA.No.1228 of 2009

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