

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 1309 of 2017

&

C.M.P.No. 6770 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Railway Station New Road,
Kumbakonam.

.. Appellant / Respondent

Vs.

Anthonyammal .. Respondent / Petitioner

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 20.01.2015 made in M.C.O.P. No. 134 of 2014 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge), Cuddalore.

For Appellant :: Mr.D. Venkatachalam

For Respondent :: Mr.R. Sreedhar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed as against the award of Rs.2,62,500/- as compensation for the injuries sustained by respondent/claimant, in the accident, which occurred on 26.11.2013, when the appellant Corporation bus started without noticing the respondent /claimant getting down from the bus.

2. Heard Mr.D. Venkatachalam, learned counsel appearing for the appellant and Mr. R. Sreedhar, learned counsel appearing for the respondent/claimant.

3. In the accident, the respondent/claimant sustained fracture of pelvic brim, fracture of right leg, degloving injury in the right leg, fracture of hip bone and multiple injuries all over the body. The Tribunal, based on PW.2 Doctor's evidence, EX.P4 discharge summary, EX.P5 Disability Certificate and other

records determined the disability at 25% even though PW2 doctor determined the disability at 50%. Because of the injuries sustained by the respondent, in spite of treatment, the hip bone did not get united and still it is causing problems to the respondent. Even the movement of legs is restricted and it causes pain. The claimant is not able to sit, squat or stand for a long time. Therefore, the Tribunal rightly determined 25% as disability and awarded a sum of Rs.1,95,000/- applying multiplier method. The application of multiplier is justified because of the inability of the claimant to work due to the injuries resulting in loss of earning power. The Tribunal took Rs.5,000/- as monthly income and applied multiplier 13 as per the age of the victim and rightly determined Rs.1,95,000/- towards "Disability". The other amounts awarded by the Tribunal are reasonable and therefore, the award of Rs.2,62,500/- along with interest @ 7.5% per annum is confirmed and the appeal is dismissed.

4. The appellant is directed to deposit the entire award amount along with accrued interest and costs before the Tribunal within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal is directed to transfer the amount directly to the claimant, through RTGS, after getting the bank account details, within a period of one week thereafter.

5. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. No costs. Connected C.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

STM/nv

To

The MACT (Spl. Subordinate Court),
Cuddalore.

+lcc to Mr.D.Venkatachalam,Advocate, sr.24018

+lcc to Mr.R.Sreedhar,Advocate, sr.23820

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rmp(11/05/17)