

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.1979 of 2016
and C.M.P.No.14260 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Tirunelveli Division ... Appellant/Respondent

...vs...

Krishnan ... Respondent/Petitioner in OP.1144/13

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 24.07.2015 made in M.C.O.P.No.1144 of 2013 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mr. K.S.Suresh

For Respondent : Mr.A.Kumar

J U D G M E N T

The claimant, Suresh, filed MCOP No.1144 of 2013 before the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, was aged 32, doing business and earning a sum of Rs.10,000/- per month, met with an accident, on 06.06.2012.

2. According to the claimant, he sustained right knee fracture as well mandible fracture leading to loss of three teeth. He filed the claim petition for compensation on claiming a sum of Rs.6,00,000/-. As against the claim made, the Tribunal has passed an award for a sum of Rs.5,52,000/- and the breakup details reads thus:-

Disability	-	Rs.1,50,000.00
Pain and suffering	-	Rs.1,00,000.00
Extra nourishment	-	Rs. 75,000.00
Transport to hospital-	Rs.	50,000.00
Damages to clothes	-	Rs. 3,000.00

Attender charges	-	Rs.	40,000.00
Medical expenses	-	Rs.	28,000.00
Future medical expenses	-	Rs.	25,000.00
Loss of income	-	Rs.	26,000.00
Loss of earning power	-	Rs.	30,000.00
Loss of amenities	-	Rs.	25,000.00

			Rs.5,52,000.00

3. The contention of the learned counsel appearing for the appellant is that, in respect of the fractures in the knee as well as in the mandible, the award of Rs.25,000/- towards extra nourishment and transport expenses at Rs.50,000/- are exorbitant and it is also not borne out by any documents and the award under both these heads have to be set-aside.

4. The learned counsel appearing for the respondent / claimant submitted that there was restriction in the movement on account of the injury in the right knee over 90 degrees and there is difficulty in sitting in cross legs and in climbing the stairs and also in walking and therefore, considering these difficulties, the award under the heads of transport expenses and extra nourishment should be confirmed. The learned counsel also submitted that since three teeth of the claimant had been lost, the claimant finds difficulty while chewing and eating.

5. Having regard to the nature of injury and the period of treatment undergone by the claimant, this Court is of the opinion that the claim of Rs.25,000/- towards extra nourishment is exorbitant and it is sufficient if it is restricted to Rs.10,000/-. With respect to Transport expenses also, the award of Rs.50,000/- is unreasonable and therefore, it has to be restricted to Rs.10,000/-.

6. In the result, this Civil Miscellaneous Appeal is partly allowed, by reducing the quantum of compensation from Rs.5,52,000/- to Rs.4,97,000/-, which is payable with interest at the rate of 7.5% per annum, from the date of petition till the date of deposit. No costs. Consequently, the connected CMP is closed.

7. It is represented by the learned counsel appearing for the appellant / Transport Corporation that already the compensation amount as awarded by the Tribunal has been deposited by it. In view of the reduction in the total award amount, after transferring the compensation amount along with interest to the Savings Bank Account to the claimant /

respondent, through RTGS, as per the judgment of this Court, the balance amount shall be withdrawn by the appellant / Transport Corporation.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

srk

To

1.Motor Accident Claims Tribunal,
IV Court of Small Causes,
Chennai.

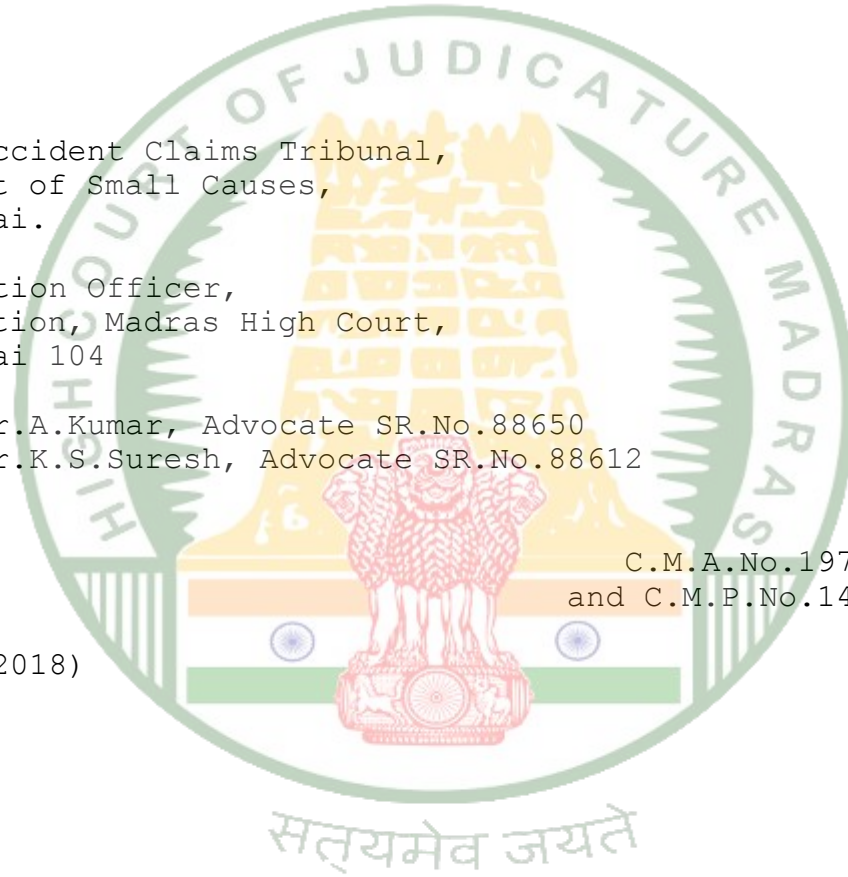
2.The Section Officer,
V.R.Section, Madras High Court,
Chennai 104

+1cc to Mr.A.Kumar, Advocate SR.No.88650

+1cc to Mr.K.S.Suresh, Advocate SR.No.88612

C.M.A.No.1979 of 2016
and C.M.P.No.14260 of 2016

GN(06/02/2018)



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