

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.2092 of 2015
and M.P.No.1 of 2015

The Managing Director,
State Transport Corporation Ltd.,
(Kumbakonam) Karaikudi Region,
Karaikudi.

... Appellant/Respondent

versus

S.Pandiarajan

... Respondent / Claimant

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 31.10.2014 made in M.C.O.P.No.383 of 2013 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mr.D.Venkatachalam

For Respondent : Mr.Terry Chellaraja
for M/s.M.Malar

JUDGMENT

S.Pandiarajan, aged about 35 years, working as a Station Officer at Fire and Rescue Station, Singapunari, Sivagangai District, earning a sum of Rs.30,000/- p.m. met with an accident on 13.07.2011, during which event, he suffered permanent disability, for which, he claimed a sum of Rs.8,00,000/- as compensation, but restricted to Rs.6,00,000/-.

2. The claims Tribunal has quantified the compensation and awarded a sum of Rs.6,70,577/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and the break-up details of the compensation reads as under:

Disability	-	Rs.1,30,000/-
Transportation	-	Rs. 40,000/-
Extra nourishment	-	Rs. 50,000/-
Pain and sufferings	-	Rs.1,00,000/-
Attendant charges	-	Rs. 50,000/-
Damage towards clothes	-	Rs. 3,000/-
Medical Bills	-	Rs.1,97,577/-
Loss of amenities	-	Rs. 50,000/-
Future medical expenses	-	Rs. 50,000/-
Total	-	Rs.6,70,577/-

Rounded off - Rs.6,70,600/-

Challenging the quantum of compensation as excessive, the Transport Corporation has filed this appeal.

3. The learned counsel for the appellant would submit that the Tribunal ought not to have awarded higher amount of compensation in respect of a) Transport charges; b) extra nourishment; c) cost of attendant d) future medical expenses and e) medical expenses, hence, seeks reduction of the amount awarded by the Tribunal.

4. In order to find out whether the contention of the learned counsel for the appellant is justified or not, it is necessary to look into the nature of the injury sustained by the claimant, period of treatment, impact of disablement on the earning capacity of the claimant and on the quality of life.

4.1. From the perusal of the award passed by the claims Tribunal, it is evident that the award of Rs.1,97,577/- towards medical expenses is based on medical bills under Ex.P8. As the claim is supported by documentary evidence, the contention that the claim of medical expenses is exorbitant, cannot be accepted and it is rejected.

4.2. So far as the nature of the injury is concerned, the disability has been assessed by the Doctor as 65%. The petitioner has sustained multiple fracture. The Tribunal has not even adopted multiplier method of quantification, even though the disability is 65%. the Tribunal has awarded disablement compensation at the rate of Rs.2,000/- per percentage of disability and awarded a sum of Rs.1,30,000/- towards continuous permanent disablement, which is not exorbitant.

4.3. The claimant/respondent has sustained fracture in the right leg and has undergone surgery. Since it is one time

surgery, expenses claimed under the head of transportation and extra nourishment awarded at Rs.40,000/- and Rs.50,000/- are excessive and they are reduced to Rs.20,000/- on each head. Similarly, the attendant charges has been awarded a sum of Rs.50,000/-. Since it is one time surgery, cost of attendant charges could not have been awarded a sum of Rs.50,000/- and it is reduced to Rs.30,000/-. Therefore, the overall reduction from the quantum of compensation is Rs.70,000/-.

5. In the result, the Civil Miscellaneous Appeal is partly allowed reducing the compensation by Rs.70,000/- and the award will be at Rs.6,00,600/-.

6. The appellant is directed to deposit the amount awarded by this Court, which is payable along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimant is permitted to withdraw the award amount. The claimant is entitled to withdraw the excess court fee, if it is excessively paid. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to M/S.M.Malar, Advocate, S.R.No.100
+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.143

C.M.A.No.2092 of 2015

CA(CO)
CS/22/06/17