

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.271 of 2015 and
M.P.No.1 of 2015

Tamilnadu State Transport Corporation Limited,
represented by its Managing Director,
Office at No.3/137,
Salamedu,
Vazhuthareddy,
Villupuram

... Appellant/Respondent

//vs//

R.Devaraj

...Respondent/Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988 against the Award and decree made in M.C.O.P.No.57 of 2009 dated 19.06.2014 on the file of Motor Accident Claims Tribunal, Arani, Thiruvannamalai District.

For Appellant : M/s P.Paramasiva Doss

J U D G M E N T

Challenging the quantum of compensation awarded by the Claims Tribunal in M.C.O.P.No.57 of 2009 dated 19.06.2014, the Transport Corporation has come forward with this Civil Miscellaneous Appeal.

2 . The claimant, Mr.R.Devaraj, aged 58 years, an agricultural coolie worker, earning a sum of Rs.4,500/- per month, met with an accident on 02.02.2009, due to which he sustained grievous injuries. Hence, he filed a claim petition in M.C.O.P.No.57 of 2009 seeking compensation for a sum of Rs.3,00,000/-. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs.1,79,355/-. The break-up details of the same is as follows:-

S1 No	Heads	Amount in Rs.
1	Future Loss of Income	68,040
2	Pain and suffering	10,000
3	Transport Expenses	2,000
4	Loss of belongings	1,000
5	Medical Expenses	98,315
	Total	1,79,355

3 . The learned counsel appearing for the appellant would submit that the compensation awarded by the Tribunal is high and the same is to be reduced. He would further submit that the Tribunal has fixed a sum of Rs.4,500/- per month as monthly salary of the claimant, which is on the higher side.

4. A perusal of award would go to show that the Claims Tribunal on relying upon Ex.P4-Medical Bills has awarded a sum of Rs.98,315/- towards medical expenses and therefore the same need not be interfered with. The Tribunal in its award has observed that though there is no documentary proof to show the earnings of the claimant, a sum of Rs.4,500/- per month is fixed as monthly income notionally while quantifying Loss of Future Loss of income, which cannot be said to be excessive.

5. As far as compensation awarded towards pain and sufferings, Loss of belongings and Transport charges, the same is reasonable and does not warrant interference.

6.In the result, this Civil Miscellaneous Appeal is dismissed, confirming the Judgment and Decree of the Claims Tribunal, in M.C.O.P.No.57 of 2009, dated 19.06.2014. The Transport Corporation is directed to deposit the entire amount of compensation within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

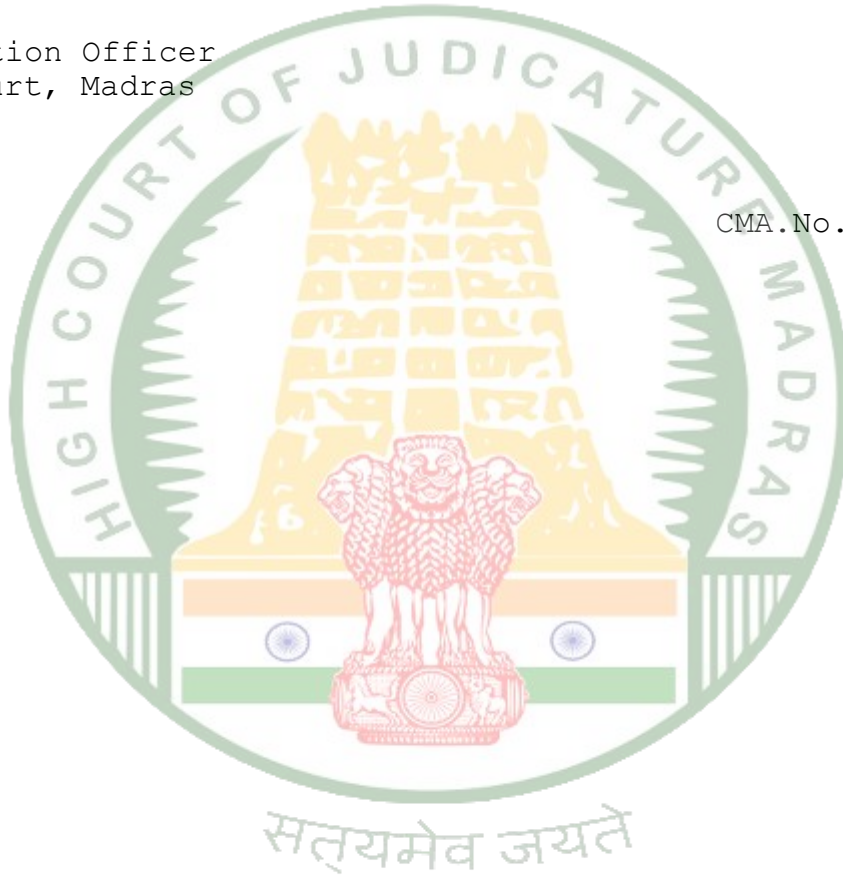
Sub Assistant Registrar

To

- 1 . The Motor Accident Claims Tribunal,
Arani, Thiruvannamalai District.
2. The Managing Director,
Tamilnadu State Transport Corporation Limited,
Office at No.3/137,
Salamedu,
Vazhuthareddy,
Villupuram
- 3.The Section Officer
High Court, Madras

CMA.No.271 of 2015

SR(CO)
sp/24/5



WEB COPY