

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.454 of 2015

and

M.P.No.1 of 2015

The Managing Director
Tamil Nadu State Transport corporation Limited,
(Coimbatore Div-I) Ltd.
Coimbatore -43 ... Appellant/Respondent

Vs.

C.Amsavel ... Respondent/Claimant

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 31.07.2013 made in M.C.O.P.No.560 of 2012 on the file of the Motor Accident Claims Tribunal and I-Addl.District Judge, Tiruppur.

For Appellant : Ms.R.T.Sundari

For Respondents : Mr.Ma.Pa.Thangavel

J U D G M E N T

Challenging the liability as well as the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.560 of 2012, dated 31.07.2013, the Transport Corporation has come forward with this Civil Miscellaneous Appeal.

2. The Claimant who was aged 23 years, a Mason, earning a sum of Rs.12,000/- met with an accident on 20.10.2012 and sustained left thigh fracture and also suffered multiple injuries. Hence, he filed a claim petition in M.C.O.P.No.560 of 2012, before the Claims Tribunal, seeking compensation for a sum of Rs.16,18,000/-.

3. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs. 6,61,000/- as compensation. The break-up details of the same are as under:

Loss of earnings	-	Rs.6,12,000/-
Pain and sufferings	-	Rs. 25,000/-
Loss of amenities	-	Rs. 20,000/-
Nutrition	-	Rs. 2,000/-
Transportation	-	Rs. 2,000/-

Rs.6,61,000/-

4. The learned counsel for the appellant would submit that the compensation awarded by the Tribunal is very high and the same needs to be reduced. It is his further contention that the tribunal ought not to have fixed a sum of Rs.6,000/- per month as monthly income, which is on the higher side.

5. As far as Loss of earnings is concerned, though the claimant has stated that he is earning a sum Rs.12,000/- per month, the Claims Tribunal has fixed only a sum of Rs.6,000/- per month as monthly income of the claimant and based on Ex.P9, the Claims Tribunal has taken the age of the claimant as 23 and by adopting the multiplier 17 has arrived at Rs.12,24,000/- and by deducting 50%, has awarded a sum of Rs.6,12,000/- towards Loss of earnings, which is infact less. However, there is no cross appeal with respect to the same. Therefore, this Court is not inclined to interfere with the same.

6. The amount awarded towards Pain and Sufferings, Loss of amenities , Nutrition and Transportation is fair and reasonable. There is no justified reason to interfere with the same.

7. In the result, this Civil Miscellaneous Appeal is dismissed confirming the Judgment and Decree dated 31.07.2013, made in M.C.O.P.No.560 of 2012. The Transport Corporation is directed to deposit the entire award amount along with interest, within a period of six weeks from the date of receipt of a copy of this order and on such deposit being made, the Claimant is permitted to withdraw. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

The Motor Accident Claims Tribunal and I-Addl.District Judge,
Tiruppur.

+1 cc to Mr.Ma.P.thangavel, advocate,sr.16881.

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