

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
C.M.A.No.2194 of 2017

Arumugam

... Appellant/Petitioner

Versus

1. P.Vivek

2. United India Insurance Co. Ltd.,
No.134, Greaves Road,
IV Floor, Anna Salai,
Chennai - 600 006.

... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 22.12.2016 made in M.A.C.T.O.P. No.4721 of 2014 on the file of the Motor Accident Claims Tribunal and II Court of Small Causes, Chennai.

For Appellant : Mr.M.Malar

JUDGMENT

The claimant Arumugam suffered injuries in the accident that took place on 06.07.2014. Therefore, he filed a claim petition claiming compensation in respect of injuries sustained by him in the said accident.

2. The Tribunal on consideration of materials available on record, awarded a sum of Rs.2,50,000/- as compensation as against the claim made for a sum of Rs.9,00,000/-, the break up of which is as under :-

Transportation, nourish food and Miscellaneous Expenditure	: Rs. 50,000/-
Medical expenses	: Rs. 12,000/-
Future Medical expenses	: Rs. 10,000/-
Attender Charges	: Rs. 20,000/-
Damages for pain, suffering and trauma	: Rs. 50,000/-
Disability	: Rs. 75,000/-
Loss of earning during the period of treatment	: Rs. 13,000/-
Loss of amenities	: Rs. 20,000/-

Total

Rs.2,50,000/-

3. The main contention of the learned counsel for the appellant is that the Tribunal has not properly considered the nature of injuries sustained by the claimant and has awarded lesser amounts on various heads, which needs enhancement. It is the further contention of the learned counsel for the claimant that multiplier method for loss of earning capacity should have been adopted, which has not been done by the Tribunal and, therefore, prays that this Court may adopt multiplier method and enhance the compensation.

4. This Court has given its careful consideration to the documents available on record and also the contentions put forth by the learned counsel for the claimant.

5. A perusal of the order passed by the Tribunal reveals that the Tribunal has awarded a sum of Rs.75,000/- under the head disability. Though it is the contention of the claimant that the said amount is on the lower side, a perusal of the evidence of the doctor would reveal that the doctor has assessed the disability at 25%. In such circumstances, considering the fact that the injured, aged 55 years, was employed as Labour in the Canteen of GRT Jewellers, it cannot be said that there would have been any difficulty for him to continue his avocation. The nature of injury sustained by the claimant does not warrant adoption of multiplier method. Therefore, the compensation awarded by the Tribunal under the head disability is confirmed.

6. A further perusal of the award passed by the Tribunal and the compensation awarded under the various heads shows that the Tribunal has considered the entire facts and the evidence available on record and has applied its mind and has awarded just and reasonable compensation under the various heads. This Court is of the considered view that the said compensation, by no means, could be said to be inadequate or meagre.

7. No grounds much less substantial grounds have been raised by the claimant warranting this Court to interfere with the well considered award passed by the Tribunal. In such circumstances, the award passed by the Tribunal is confirmed and this civil miscellaneous appeal is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

8. The appellant /Transport Corporation is directed to deposit the entire award amount, along with interest and costs, as ordered by the Tribunal, less the amount, if any, already

deposited, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the claimant, through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi2/GLN

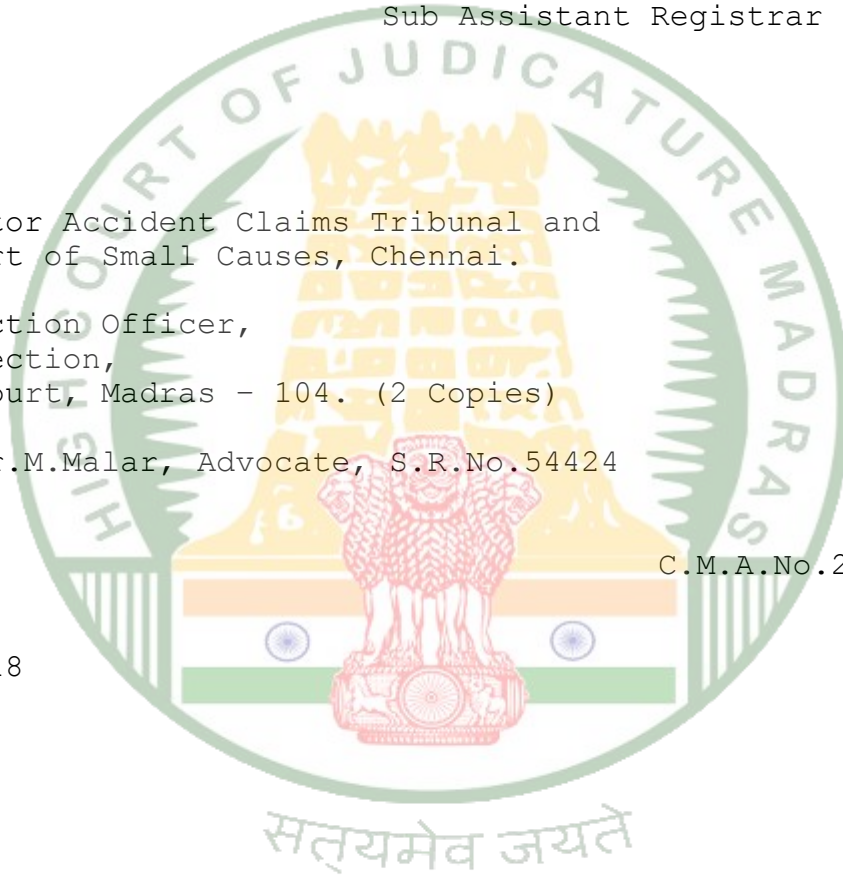
To

1. The Motor Accident Claims Tribunal and
II Court of Small Causes, Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras - 104. (2 Copies)

+1cc to Mr.M.Malar, Advocate, S.R.No.54424

C.M.A.No.2194 of 2017

MR(CO)
CS/05/03/18



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