

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM
and
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A No.3230 of 2017
and
C.M.P.No.20044 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Appellant/Respondent

-Vs-

Manivel

... Respondent/Petitioner

Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 16.09.2015 passed in M.C.O.P.No.185 of 2013 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Chidambaram.

For Appellant : Mr.D.Venkatachalam

For Respondent : Mr.T.Gopinath

JUDGMENT

(Judgment of the Court was delivered by C.T.SELVAM. J)

The Civil Miscellaneous Appeal has been preferred against Judgment and Decree dated 16.09.2015 passed in M.C.O.P.No.185 of 2013 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Chidambaram.

2. Appellant is the Transport Corporation. Respondent is the claimant. On 31.08.2013 at about 12.30 p.m., while respondent was riding his motorcycle bearing registration No.TN-31-AV-06163, a bus bearing registration No.TN-68-N-0511 belonging to appellant Transport Corporation, hit the motorcycle from behind resulting in grievous injuries to respondent's right leg.

Respondent sought compensation in a sum of Rs.50,00,000/-.

3. Before Tribunal, claimant examined himself as P.W.1 and P.W.2, 22 exhibits were marked and M.Os.1 & 2 were marked. On the side of respondent/Transport Corporation, one witness was examined and no exhibits were marked.

4. On appreciation of materials before it, Tribunal awarded compensation as follows:

(a)For permanent disability (9000X12X90%X16)	:	Rs. 15,55,200/-
(b)Towards medical bills	:	Rs. 9,70,000/-
(c)For pain and suffering	:	Rs. 1,00,000/-
(d)Attender charges	:	Rs. 10,000/-
(e)Transportation charges	:	Rs. 47,400/-
(f)Nutritious food	:	Rs. 25,000/-

		Rs. 27,07,600/-

The said sum of Rs.27,07,600/- was directed to be paid with interest at 7.5% p.a. from the date of petition till the date of deposit. Challenging the quantum of award, Transport Corporation has filed this Civil Miscellaneous Appeal.

5. Heard learned counsel for appellant/Transport Corporation and learned counsel for respondent/claimant and perused materials on record.

6. Learned counsel for appellant submitted that the Tribunal has erred in applying multiplier 16 when the injured was one month past the age of 35. He also submitted that Tribunal has erred in fixing monthly income at Rs.9000/- per month.

7. It is seen that the injured was a carpenter by profession and one leg was amputated. He would not be able to continue his avocation as a carpenter. Tribunal rightly has thus adopted the multiplier 16 as it is the completed number of years which is to be considered for determining the appropriate multiplier. Placing the earnings of Carpenter at Rs.9,000/- cannot be seem to be excessive.

8. This Court finds no merit to interfere with the order under challenge. The Civil Miscellaneous Appeal is dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount, within a period of six weeks from the date of receipt of a copy of this judgment. Respondent/Claimant is at liberty to withdraw the same on due application. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Chidambaram.
2. The Section Officer,
V.R.Section,
High Court,
Chennai-600 104.

+1 CC to Mr.D.Venkatachalam, Advocate sr 86726.

+1 CC to Mr.T.Gopinath, Advocate sr 87029.

C.M.A.No.3230 of 2017

AD(CO)
SP(24/01/2018)

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