

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.338 of 2017

and

C.M.P.No.2411 of 2017

Metropolitan Transport Corporation
(Chennai) Limited,
Rep. by its Managing Director,
Pallavan Salai,
Chennai - 2.

... Appellant / Respondent

versus

A.Srinivasan

... Respondent / Petitioner

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 20.03.2014 made in M.C.O.P.No.4796 of 2012 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai.

For Appellant : Mr.S.Sivakumar

For Respondent : Mr.A.N.Viswanatha Rao

JUDGMENT

The claimant Srinivasan, aged about 56 years, working as Security at APS Techno Crafts, Industrial Estate, Thirumudivakkam, Kanchi District, earning a sum of Rs.8,000/- p.m., met with an accident on 07.03.2011 and sustained injuries. Hence, he filed a claim petition in M.C.O.P.No.4796 of 2012 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai, claiming compensation of Rs.10,00,000/-.

1.1. As against the claim made, the Tribunal has awarded a sum of Rs.2,45,000/- as compensation, payable by the Transport Corporation, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

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

<https://hcservices.ecourts.gov.in/hcservices/>

2. Now, the issue to be decided is whether the quantum of compensation awarded by the Tribunal is excessive or not?.

2.1. It is necessary to look into the break-up details of the compensation:

Loss of income	-	Rs.	20,000/-
Transport to Hospital	-	Rs.	7,000/-
Extra nourishment	-	Rs.	7,000/-
Damage to clothing	-	Rs.	1,000/-
Medical Expenses	-	Rs.	10,000/-
Future Medical expenses	-	Rs.	25,000/-
Attender charges	-	Rs.	10,000/-
Loss of amenities of life	-	Rs.	15,000/-
Pain and sufferings	-	Rs.	40,000/-
Permanent Disability	-	Rs.	1,10,000/-
Total	-	Rs.	2,45,000/-

2.2. The Tribunal has relied upon EX-P1 wound certificate, ExP2 discharge summary. The injured has taken treatment as in-patient from 07.03.2011 to 11.04.2011 As per Ex.P8-Disability Certificate, the petitioner suffered inter-trochanteric fracture at left femur and fracture of PPX great toe left; dynamic hip screw is fixed. The anatomic site of this type of hip fracture is the proximal or upper part of the femur or thigh bone. The proximal femur consists of the femoral head, the femoral neck, and the trochanteric region (including the greater and lesser trochanters). This disability has been assessed by the Doctor at 60%. Considering the nature of injury and period of treatment, the amount awarded under the heads pain and sufferings at Rs.40,000/- and future medical expenses at Rs.25,000/- are not excessive. The award of Rs.10,000/- towards medical expenses and loss of amenities of life at Rs.15,000/- are inadequate.

2.3. Though the doctor has assessed the disability at 60%, the Tribunal has taken the disability at 55% and at the rate of Rs.2,000/- per percentage of disability, awarded a sum of Rs.1,10,000/- towards permanent disability (disablement compensation).

2.4. As the date of accident was of the year 2011, the disablement compensation could be awarded at the rate of Rs.3,000/- per percentage of disability. Therefore, the award cannot be said to be excessive. However, as of now, the cost of living is very high than that of the year 2011. Hence, the quantum of compensation cannot be challenged as excessive and the appeal has no merits.

3. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 20.03.2014 passed in M.C.O.P.No.4796 of 2012 by the Motor Accident Claims Tribunal (III Court of Small Causes), Chennai.

4. The Transport Corporation is directed to deposit the entire amount of compensation as awarded by the Tribunal, less the amount already deposited if any, along with interest at the

rate of 7.5% p.a. from the date of petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimant is permitted to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

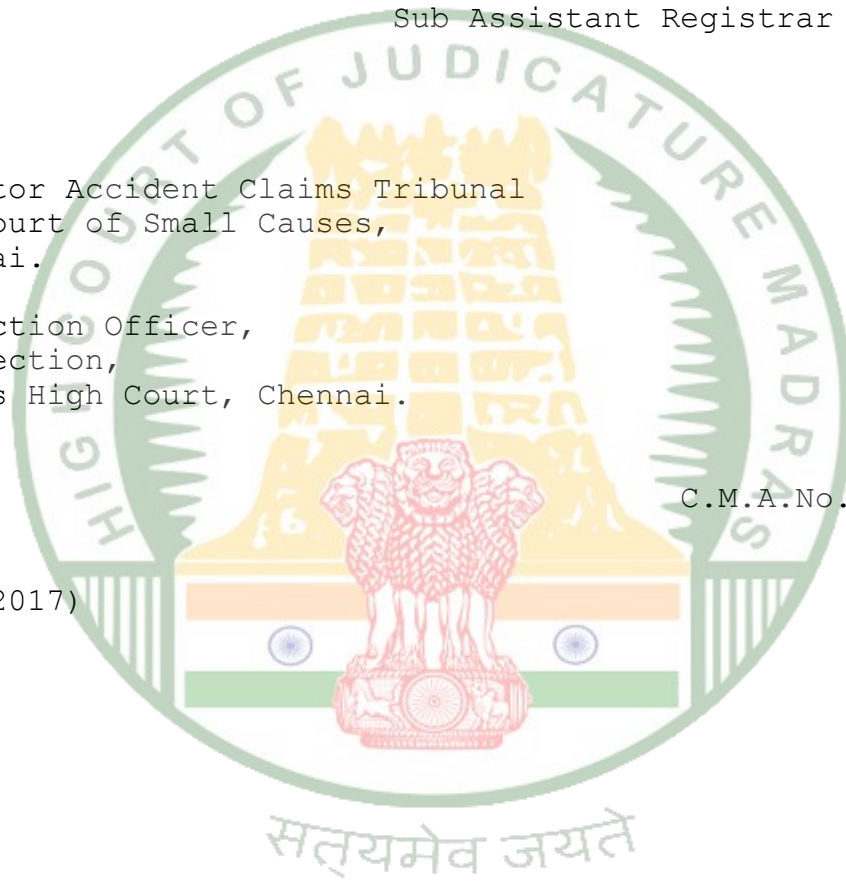
ogy

To

1. The Motor Accident Claims Tribunal
III Court of Small Causes,
Chennai.
2. The Section Officer,
V.R.Section,
Madras High Court, Chennai.

C.M.A.No.338 of 2017

SKV(CO)
GN(21/11/2017)



WEB COPY