

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 22.02.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No. 624 of 2017

&

C.M.P.No.3608 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore.

... Appellant/2nd
Respondent in Tribunal

Versus

1. Ravindran @ Ravi
2. M. Pannari

... Respondents/Claimants
and 1st Respondent in
Tribunal Court.

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decreetal order passed by the Motor Accidents Claims Tribunal (Additional District Court, Fast Track Court No.V, Coimbatore at Tiruppur) and made in MACTOP No.216 of 1999 dated 28.01.2004 praying to setaside the same.

For appellant : Mr. S.V. Vasanthakumar

J U D G M E N T

Challenging the Judgment and decree dated 28.01.2004, in MACTOP No.216 of 1999, the Transport Corporation has filed this Civil Miscellaneous Appeal.

2.The claimant one Raveendran, aged 39 years, earning a sum of Rs.3,500/- per month met with an accident that occurred on 10.10.1998. Due to which he sustained fracture and severe injuries in both the foot and all over the body. Hence, he filed a claim petition in M.C.O.P.No.216 of 1999, 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.3,32,201/-. The break-up details of the same are as follows:

Loss of earnings (3500x12x16x40/100)	-	Rs.2,68,800
Future Medical expenses	-	Rs. 10,000
Pain and suffering	-	Rs. 5,000
Nutrition	-	Rs. 3,000
Medical expenses	-	Rs. 45,401

		Rs.3,32,201/-

3. The learned counsel for the appellant submits that the compensation awarded by the Tribunal is very high and the same needs to be reduced.

4. A perusal of the award passed by the Claims Tribunal reveals that P.W.2- the doctor who examined the claimant has assessed the permanent disability @ 40%, since the claimant has sustained fracture and crush injury in both the foot. The Claims Tribunal considering the same and based on Ex.P-4 discharge summary and also considering the fact that the injured has taken treatment for three months, has fixed the disability @ 40% and by taking the monthly income at Rs.3,500/-, by adopting multiplier 16, has awarded a sum of Rs.2,68,800/- (3500x12x16x40/100) towards Loss of earnings. The Claims Tribunal, based on Ex.P6- Medical Bills, has awarded a sum of Rs.45,401/- towards Medical expenses, which is reasonable. A sum of Rs.5,000/- has been awarded towards Pain and sufferings and a sum of Rs.3,000/- awarded towards Extra Nourishment. On an overall consideration of the materials available on record and the reasonings given by the Tribunal for awarding the above compensation, the compensation awarded could in no manner be said to be excessive or unreasonable. Accordingly, this Court is of the considered view that no interference is called for with the award passed by the Tribunal.

5. In the result, this Civil Miscellaneous Appeal is dismissed, confirming the Judgment and Decree of the Claims Tribunal, in M.C.O.P.No.216 of 1999 dated 28.01.2004. No costs. Consequently, connected Miscellaneous Petition is closed.

6. The appellant/Transport Corporation is directed to deposit the entire award amount along with interest and costs as quantified by the Tribunal, less the amount, if any, already deposited, from the date of petition till the date of deposit, to the credit of the claim petition within a period of four weeks from the date of receipt of a copy of this Judgement. On

such deposit being made, the Tribunal is directed to transfer the amount directly to the bank account of the claimants through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr/GLN

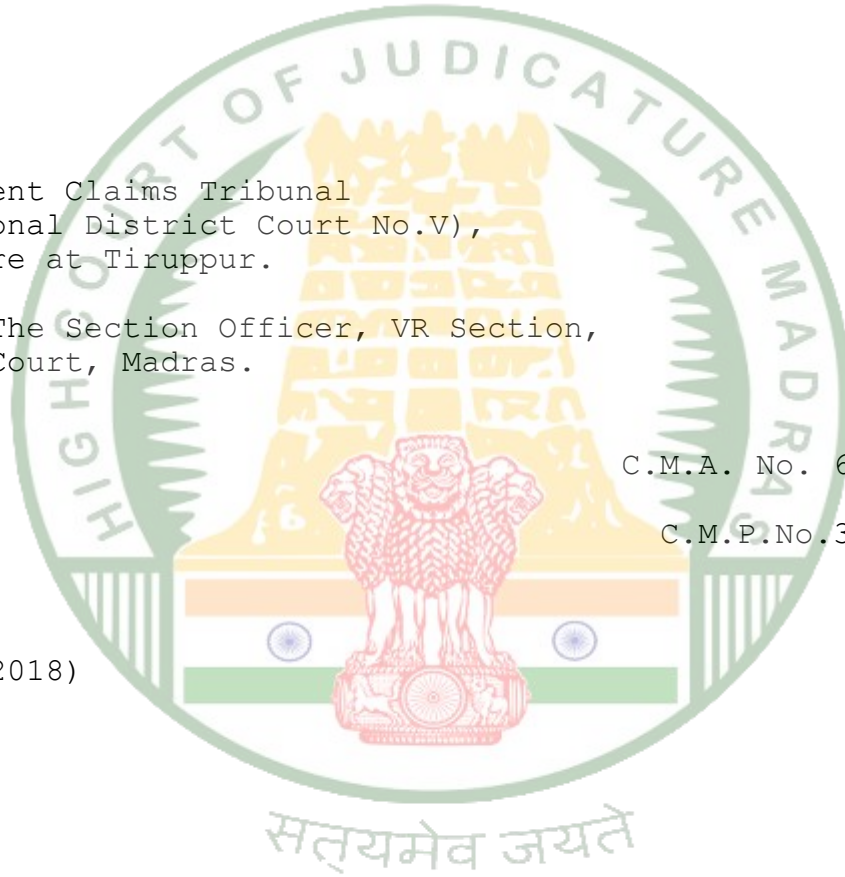
To

The Accident Claims Tribunal
(Additional District Court No.V),
Cuddalore at Tiruppur.

Copy to: The Section Officer, VR Section,
High Court, Madras.

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