

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 27.02.2017
CORAM
THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.927 of 2017
and C.M.P.No.4593 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
[Villupuram Division-I],
Valudhareddy, Villupuram.

... Appellant/1st Respondent

Vs.

1.Selvam
2.R.Gopinath
3.The Divisional Manager,
Reliance General Insurance Co. Ltd.,
628, 2nd Floor, Anna Salai,
Teynampet, Chennai.2 & 3 Respondents/
2 & 3 Respondents

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 25.03.2013 made in M.C.O.P.No.147 of 2010 on the file of the Motor Accidents Claims Tribunal, [Chief Judicial Magistrate], Tiruvannamalai.

For Appellant : Mr.P.Paramasivadoss

J U D G M E N T

The claimant, Selvam, aged 51 years, working as Conductor in Tamil Nadu State Transport Corporation Ltd., earning a sum of Rs.14,000/- per month, met with an accident on 28.04.2010 in which he sustained injuries. Therefore, he filed a claim petition claiming compensation in a sum of Rs.17,50,000/- as compensation.

2.The Tribunal, on consideration of oral and documentary evidence, awarded compensation in a sum of Rs.4,88,500/- under the following heads :-

For Greivous injuries	-	Rs. 35,000/-
Disability at 65%	-	Rs.1,30,000/-
Nourishment	-	Rs. 10,000/-
Loss of amenities	-	Rs. 50,000/-
Transport expenses	-	Rs. 5,000/-
Medical expenses	-	Rs. 2,58,402/-

Total Rs.4,88,402/- rounded off to
Rs.4,88,500/-

Challenging the award as excessive, the Transport Corporation has filed this appeal.

3.Learned counsel appearing for the appellant contended that the Tribunal should not have relied upon the evidence of doctor in order to assess the percentage of disablement. It is further submitted that the Tribunal erred in fixing the disability at 65% and the compensation of a sum of Rs.1,30,000/- is excessive and the same needs interference.

4.Though very many grounds have been raised in the appeal assailing the order of the Tribunal, however, at the time of argument, learned counsel appearing for the appellant restricted his argument only insofar as the quantum of compensation awarded by the Tribunal and, therefore, this Court is dealing only with the said issue pertaining to quantum of compensation.

5.In order to appreciate the contentions advanced above, it is necessary to have a perusal of the details of the injuries and the period of treatment undergone by the claimant. It is also to be pointed out that the claimant is said to be a conductor in the appellant-Transport Corporation and whether this disability would affect the earning capacity of the claimant.

6.Taking into account the injuries sustained by the claimant and also the impact of the injuries on the future life of the claimant, the Tribunal adopting per percentage method, quantified the disability at Rs.1,30,000/- by fixing the percentage of disability at 65% [Rs.2,000/- per percentage]. The contention of the appellant that the percentage of disability fixed is on the higher side cannot be accepted and the said approach of the Tribunal, in the considered opinion of this Court, cannot be found fault with.

7.The Tribunal has conservatively awarded only a sum of Rs.35,000/- towards injuries, Rs.10,000/- towards nourishment, Rs.50,000/- towards loss of amenities, Rs.5,000/- towards transport expenses and Rs.2,58,402/- towards medical expenses

which are supported by bills, which deserves to be sustained and cannot be termed to be excessive.

8.For the reasons aforesaid, there being no merits in the appeal, it is liable to be dismissed. Accordingly, the appeal is dismissed confirming the award passed by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

9.The appellant/Transport Corporation is directed to deposit the entire award amount along with interest at 7.5% per annum from the date of petition till the date of deposit, 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 entire award amount directly to the bank account of the claimant/first respondent through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya/GLN
To

The Motor Accidents Claims Tribunal,
[Chief Judicial Magistrate], Tiruvannamalai.

C.M.A.No.927 of 2017
and
C.M.P.No.4593 of 2017

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