

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.945 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Villupuram.

... Appellant / Respondent

versus

N.Govindaraj

... Respondent / Petitioner

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 04.01.2013, made in M.C.O.P.No.459 of 2011 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

For Appellant : M/s.S.V.Vasanthakumar

JUDGMENT

The claimant N.Govindaraj, aged 30 years, an agricultural coolie, earning a sum of Rs.6,000/- per month, met with an accident on 07.07.2011 and sustained injuries. In respect of the same, he filed a claim petition in M.C.O.P.No.459 of 2011 before the Motor Accident Claims Tribunal, Principal District Judge, Perambalur, claiming compensation of Rs.4,00,000/-.

2. As against the claim made, the Tribunal has awarded a sum of Rs.2,78,400/-, payable with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

3. The Transport Corporation has filed this appeal, challenging the quantum of compensation as disproportionate to the injuries suffered by the claimant.

4. The break-up details would be essential to understand the better compensation granted by the Tribunal:

Permanent disability 50%	-	Rs.1,00,000/-
Pain and suffering	-	Rs. 20,000/-
Medical expenses	-	Rs. 71,400/-
Transport Charges	-	Rs. 5,000/-
Nutrition	-	Rs. 10,000/-
Loss of income during the period of taking treatment	-	Rs. 72,000/-
Total	-	Rs.2,78,400/-

5. In the case on hand, the permanent disability is fixed at 50% and Rs.1,00,000/- has been awarded towards permanent disablement at the rate of Rs.2000/- per percentage of disability.

6. It is relevant to point out that the Tribunal did not even grant compensation on account of loss of earning capacity adopting multiplier methods and also did not consider the compensation on account of loss of enjoyment of amenities. The claimant has suffered a fracture in the right hand as well as in the right thigh. Plastic surgery has also been performed. There was restriction of movement in the wrist as well as in the right side hip. This account of disablement is likely to affect his earning capacity, when the claimant is stated to be an agricultural coolie.

6.1. Having regard to the nature of the injury, period of treatment, nature of disability and the impact upon his earning capacity, the award cannot be said to be excessive and it can be termed as low. Therefore, the Civil Miscellaneous Appeal has no merits.

6.2. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 04.01.2013, passed in M.C.O.P.No.459 of 2011 by the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

7. The Transport Corporation is directed to deposit the entire award amount along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimant is permitted to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.

C.M.A.No.945 of 2017

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