

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2017

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

C.M.A.No.979 of 2014
and M.P.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram. Appellant

Vs.

1. Kaliyaperumal

2. Vijayan

3. The Managing Director,
Discreet Reliance General Insurance Co. Ltd.,
15-A, PLA Kangu Towers,
11th Cross, Thillai Nagar,
Trichy. Respondents

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 25.04.2013 made in M.C.O.P.No.345 of 2007 on the file of the Motor Accident Claims Tribunal, [Sub Court], Ariyalur.

For Appellant : Mr.P.Paramasiva Doss

For Respondents : No appearance (for R1 & R3)
Mr.S.Arun Kumar (for R2)

J U D G M E N T

The claimant Kaliyaperumal, aged 55 years, an agricultural coolie, earning a sum of Rs.3,500/- per month, who met with an accident on 03.10.2007, filed M.C.O.P.No.345 of 2007 claiming compensation of Rs.3,00,000/-. The Tribunal awarded a sum of Rs.2,25,000/-. Challenging the quantum of compensation as excessive, this appeal has been filed by the Transport Corporation.

2.In order to appreciate the contention raised by the appellant, it is necessary to consider the nature of injury, nature of disability and the impact of disability, upon the earning capacity of the claimant as well as the reasoning given by the Tribunal.

3.Perusal of the typed set of papers would go to show that the Tribunal has awarded compensation under the following heads :

1.Partial disability [70%] Rs.1,40,000/-

Rs.2000 per %

2.Medical expenses Rs. 45,000/-

3.Pain and suffering Rs. 20,000/-

4.Nourishment Rs. 10,000/-

5.Tansport expenses Rs. 10,000/-

Total Rs.2,25,000/-

4.From the discussions made by the Tribunal, it is evident that the claimant has sustained injury over the chest. The claimant suffered loss of four teeth from the upper jaw and loss of three teeth from the low jaw portion and some other teeth were in shaking condition, because of the injury sustained in the accident. In the evidence, it is stated that because of the loss of major number of teeth, all the teeth had to be removed.

5.One Dr.Sivaprakasam has been examined as P.W.2 before the Tribunal, in order to speak about the nature of disability suffered by the claimant. He has certified the disability at 70% as partial disability. As the disablement did not have any serious impact on the earning capacity, the Tribunal did not look into the issue of loss of earning capacity. The Tribunal has given only compensation for partial disability. It is also relevant to point out that no separate compensation has been awarded towards loss of expectation to life.

6.The fact remains that the accident had taken place in the year 1987 i.e., on 3.10.87. It is represented that compensation is not yet paid. Loss of enjoyment of amenities is not awarded. There had been reduction in the value of money and at the same time, there had been tremendous increase in the cost of commodities, the compensation which is paid after 30 years would have no utility value. Therefore, the award passed by the Tribunal does not need any interference and the appeal is dismissed.

7.The Appellant/Transport Corporation is directed to deposit the entire award amount along with interest and costs as awarded by the claims Tribunal, less the amount already deposited, if any, 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 award amount directly to the bank account of the claimant through RTGS within a period of two weeks. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Motor Accident Claims Tribunal,/Subordinate Judge,
Sub Court, Ariyalur.

2.The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.P.Paramasiva Doss Advocate, S.R.No. 2017/17

C.M.A.No.979 of 2014
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SV(CO)
TR(11/12/2017)



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