IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.1092 of 2017
and C.M.P.No.5383 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043. ... Appellant / 2nd respondent

vs.

1. Murugesan ... 1st Respondent / Petitioner
2. Velliangiri ... 2nd Respondent / 1st respondent
(R2 remained ex parte
before the Tribunal)

Prayer : This appeal filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and decree dated 11.10.2013 made in M.C.O.P.No.1064 of 2011 on the file of the Motor Accident Claims Tribunal, Sub Court, Tirupur.

For Appellant : Mr.K.J.Sivakumar

For R-1 : Mr.Ma.Pa.Thangavel

JUDGMENT

The claimant Murugesan, a power-loom operator, aged 36 years, earning a sum of Rs.8,000/- per month, met with an accident and sustained injuries, in respect of which, he filed a claim petition in M.C.O.P.No.1064 of 2011 before the Motor Accident Claims Tribunal, Sub Court, Tirupur, claiming compensation of Rs.12,00,000/-.

1.1. As against the claim made, the Tribunal has awarded a sum of Rs.3,70,700/- as compensation with the following break-up details:

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Loss of income	-	Rs.2,88,000/-
Medical expenses	-	Rs. 32,700/-
Pain and sufferings	-	Rs. 10,000/-
Mental agony	-	Rs. 10,000/-
Transport expenses	-	Rs. 10,000/-
Extra nourishment	-	Rs. 10,000/-
Total	-	Rs.3,70,700/-

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

2. The main grievance of the learned counsel appearing for the appellant is that the Tribunal ought not to have adopted the multiplier method of quantification, while assessing loss of earning capacity.

3. In order to appreciate the contention, it is necessary to look into the details of injuries suffered.

3.1. The claimant has suffered fracture of parietal bone and because of the head injury, he also suffered disfigurement. The consequence of the head injury is stated to be causing permanent disablement and the disability has been assessed at 35%. The evidence is that the injury has resulted in loss of earning capacity. Therefore, it cannot be stated that the Tribunal is not justified in adopting the multiplier method of quantification, especially, when the Tribunal has considered the percentage of disability (loss of earning capacity) only at 32%.

3.2. Considering the nature of the injury, consequences of the permanent disablement on the functional disablement, the Tribunal is right in adopting the multiplier method of quantification. Hence, the contention of the learned counsel for the appellant that the Tribunal is not justified in adopting the multiplier method of quantification, cannot be acceptable and the appeal has no merits.

3.3. Accordingly, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 11.10.2013 passed in M.C.O.P.No.1064 of 2011 by the Motor Accident Claims Tribunal, Sub Court, Tirupur.

3.4. The Transport Corporation is directed to deposit the entire amount of compensation, 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 four weeks from the date of receipt of a copy of this Judgment.

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On such deposit being made, the claimant is permitted to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
   Sub Court,
   Tirupur.

2. The Section Officer,
   VR Section,
   High Court,
   Chennai.

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