

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED 21.06.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.2118 of 2017
(CMA SR No.55905 of 2006)
and
CMP No.11234 of 2017

The Managing Director,
Tamil Nadu State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai. ... Appellant

Versus

Kaliyammal ... Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree made in MACTOP No.1516 of 2004 on the file of the Motor Accidents Claims Tribunal (Principal Subordinate Judge) at Cuddalore, dated 18.01.2006.

For appellant : Mr.M.Krishnamoorthy

J U D G M E N T

As against the claim made for Rs.6,00,000/-, the claimant was awarded compensation of Rs.1,23,500/-. Challenging the quantum as excessive, the Transport Corporation has filed this appeal.

2. The claimant Kaliyammal is aged 35 years and she is milk vendor,

earning a sum of Rs.6,000/- per month, who suffered fractures in the back

bone with head injury and she has been treated as inpatient for about 10 days in Government Hospital, Pondicherry and she later took treatment as out-patient. It is contended that she suffered permanent disablement and the claimant claimed a sum of Rs.6,00,000/- as compensation.

3. The main contention of the Transport Corporation is that the Tribunal ought not to have awarded a sum of Rs.97,500/- towards disablement and that the injuries sustained were simple in nature; the Tribunal has fixed the percentage of the disability at 25% and the monthly income fixed at Rs.2,500/-. The Loss for 25% disablement has been calculated at Rs.625/- and the annual loss (Rs.625 x 12)is estimated at Rs.7,500/- and by adopting multiplier 13, the loss of earning is calculated at Rs.97,500/-.

4. Awarding Rs.15,000/- towards pain and suffering; Rs.10,000/- towards medical expenditure and extra nourishment, Rs.1,000/- towards transport expenses, total amount of compensation is quantified at Rs.1,23,500/-.

5. The amount of compensation awarded is found to be reasonable having regard to nature of injuries, period of treatment, percentage of disablement and the loss of earning capacity. Even assuming that the award is excessive, in the year 2004 the same award has become inadequate in the year 2017, because of escalation in the prices and reduction in the value of

money.

6. In view of the above, the appeal stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

7. The appellant /Transport Corporation is directed to deposit the entire award amount along with interest and costs as ordered by the Tribunal, less the amount already deposited, if any before the Tribunal, 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 thereafter.

21.06.2017

Index : Yes/No
Internet : Yes / No
kv/vsi2

To

1. Motor Accidents Claims Tribunal (Principal Subordinate Judge)
at Cuddalore,
2. The Section Officer, VR Section,
High Court, Madras.

Dr.S.VIMALA,J.

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