

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

C.M.A. No.1748 of 2017
(C.M.A. No.SR 34062 of 2014)
and
C.M.P. No.9461 of 2017

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai – 2.

... Appellant

Versus

S. Indhiradevi

... Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree passed by the Motor Accident Claims Tribunal, II Small Causes Court, Chennai made in M.C.O.P. No.3202 of 2007, dated 07.01.2013.

For Appellant : Mr.S.V.Vasanthakumar

JUDGMENT

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Application to condone the delay of 351 days was heard along with the main appeal filed by the Transport Corporation challenging the quantum of compensation.

2. Having regard to the reasons stated in the affidavit, the delay is condoned, but there seems to be no scope for allowing the appeal. Hence, no notice is ordered, even though there is a delay in filing appeal.

3. As against the claim made for a sum of Rs.6,00,000/-, award has been passed for a sum of Rs.2,23,000/-.

4. Minor Indhiradevi, represented by her mother Kalivani, aged 16 years, of XII student met with an accident on 15.05.2007, while travelling in the bus belonging to the appellant / transport corporation. The claimant was initially admitted at Pondicherry Institute of Medical Science and discharged on 23.05.2007 (8 days). She sustained Open Head injury, frontal bone fracture, Transverse Petrous temporal fracture, avulsion scalp, right frontal extradural haematoma and Pneumocephalus. Again, she was inpatient for two days 13.10.2007 and 14.10.2007. The Doctor certified that the disability was 45%.

5. The Tribunal has taken the disability only at 40%. The Tribunal, considering the totality of the circumstances, has chosen to award a sum of Rs.2,23,000/- under the following breakup details:

1	Transportation	Rs.10,000/-
2	Extra nourishment	Rs.10,000/-
3	Damage to clothes	Rs.1,000/-
4	Medical expenses	Rs.12,000/-
5	Future medical expenses	Rs.10,000/-
6	Pain and sufferings	Rs.25,000/-
7	Loss of education	Rs.50,000/-
8	Disfigurement of face	Rs.25,000/-
9	Disability of 40% at the rate of Rs.2000/- per disability	Rs.80,000/-
	Total compensation is fixed at	Rs.2,23,000/-

6. From the details of the award passed it is evident that the Tribunal did not award any amount towards loss of earning capacity basing reliance on multiplier method. It has reasonably awarded disablement compensation only. The loss of enjoyment of amenities had not been considered at all. Even though compensation for disfigurement of face has been awarded, loss of marital prospects has not been awarded. Therefore, the award passed cannot be said to be excessive.

Dr.S.VIMALA, J.

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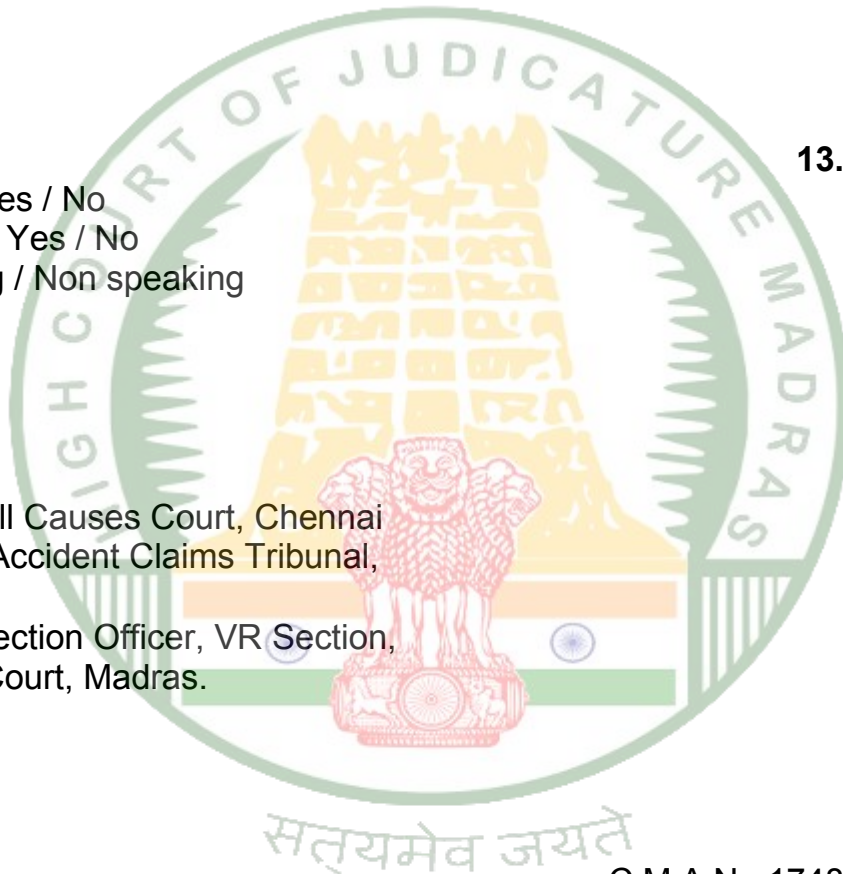
7. In view of the above findings, the appeal is dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

13.06.2017

Index : Yes / No
 Internet : Yes / No
 Speaking / Non speaking
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To

1. II Small Causes Court, Chennai
 Motor Accident Claims Tribunal,
2. The Section Officer, VR Section,
 High Court, Madras.

**C.M.A.No.1748 of 2017****WEB COPY****13.06.2017**