

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.1741 of 2017
and C.M.P.No.9429 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
Kancheepuram.

... Appellant/Respondent

versus

M.Henry Raj

... Respondent/Petitioner

Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 11.10.2013 made in M.C.O.P.No.1810 of 2006 on the file of the Motor Accident Claims Tribunal, IVth Small Causes Court, Chennai.

For Appellant : Mr.S.V.Vasanth Kumar

JUDGMENT

The claimant, Henry Raj, employed as Office Assistance, earning a sum of Rs.3,000/- p.m. met with an accident on 17.01.2005 and sustained injuries. Hence, he filed a claim petition, claiming a sum of Rs.2,00,000/- for compensation, however, restricted the same to Rs.1,50,000/-.

2. The Tribunal, after considering the oral and documentary evidence, has awarded a sum of Rs.62,000/- under the following break-up details.

Loss of earning	-	Rs.	3,000/-
Transport to Hospital	-	Rs.	3,000/-
Extra nourishment	-	Rs.	3,000/-
Medical Expenses	-	Rs.	3,000/-
Pain and Suffering	-	Rs.	10,000/-
Disability of 20% at Rs.2,000/- per percentage-		Rs.	40,000/-

Total	-	Rs.	62,000/-

Challenging the compensation awarded as excessive, the Transport Corporation has filed this appeal.

3. The main contention of the learned counsel appearing for the appellant is that the award of disablement of compensation of Rs.40,000/= at the rate of Rs.2,000/- per percentage is excessive and award of Rs.10,000/- towards pain and suffering is also excessive.

4. A perusal of the order passed by the Tribunal reveals that the Tribunal has relied upon the evidence of P.W.1-injured as well as the evidence of Doctor P.W.2, who has assessed the disablement at 35%. According to the Doctor, the injured suffered lacerated injury over the left and upper lip and has also suffered teeth loss in addition to teeth misplacement. However, the Tribunal held that the evidence of the doctor is a bit exaggerated, fixed the disability at 20% and considering the age of the claimant, the injuries suffered and the period of treatment quantified the compensation towards disability at Rs.40,000/-.

5. This Court, on a perusal of the order passed by the Tribunal as also the materials available on record, is of the considered view that the compensation awarded towards disablement cannot be termed to be excessive. Even the compensation awarded in respect other heads cannot be said to be excessive and they are reasonable and commensurate with the injuries sustained by the claimant. Therefore, the compensation awarded by the Tribunal is confirmed.

6. Even for the sake of argument that the quantum of compensation is excessive, considering the fact that the accident took place in the year 2005 having regard to the escalation in the price and reduction in the value of money, the compensation in the present day, viz., 2017, cannot be said to be excessive.

7. For the reasons aforesaid, the appeal, being devoid of merits, is liable to be dismissed and, accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed.

8. The appellant/Transport Corporation is directed to deposit the 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, if any, already deposited, to the credit of the claim petition within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit, the Tribunal shall transfer the same directly to the Bank Account of the claimant within a period of two weeks thereafter.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ogy/GLN

To

1. The Judge,
The Motor Accident Claims Tribunal,
IVth Small Causes Court,
Chennai.

2.The Section Officer,
High Court, Madras.

C.M.A.No.1741 of 2017

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nr 25/04/2018