

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

C.M.A.No.2043 of 2017

and

C.M.P.No.10968 of 2017

The Managing Director,
State Express Transport Corporation,
Tamil Nadu Ltd.,
Pallavan House,
Chennai - 2 .. Appellant/2nd Respondent

/Vs/

1. S.K.Paramasivam
2. Maruthapandian ... Respondents/Petitioner
Transport Corporation Ltd & 1st Respondent
Karaikudi

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 08.12.2001 made in M.C.O.P.No.189 of 2000 on the file of the Motor Accident Claims Tribunal/ Principal District Court at Tuticorin.

For Appellant : Mr.R.Govindaswamy

JUDGMENT

S.K.Paramasivam, the claimant aged 50 years, working as Manager, Central Bank of India, Tuticorin Branch, earning a sum of Rs.6,500/- per month, met with an accident on 08.04.1990.

2. According to the claimant, he had taken treatment from 08.04.1990 to 08.05.1990 as an in-patient. He suffered mandible fracture leading to four lower teeth completely pushed into the gum inside. There was cut in the lips and heavy loss of blood. Compensation is claimed at Rs.1,00,000/-.

3. The Tribunal, after considering the material placed before it, has awarded a sum of Rs.18,400/-, which is under challenge by the transport corporation on the ground that the award is excessive.

4. In order to appreciate the contentions, it is necessary to point out the details of injuries and the consequences of the injuries upon the earning capacity of the claimant.

4.1. The Tribunal has relied upon the evidence of the claimant PW1, where, he has stated that he suffered fracture of Jaw bone and he took treatment with two doctors, one of whom is Dr.Velramalingam. The damaged teeth were reconstructed and because of the jaw bone injury, the claimant was not able to take food and he was on medical leave for a period of 5 weeks. According to the claimant, he got voluntary retirement in the year 1997 and suffered loss of promotion also. He claimed a sum of Rs.60,000/- towards loss of income, Rs.30,000/- towards permanent disablement and Rs.10,000/- towards pain and sufferings. He has admitted in his evidence that he received a sum of Rs.800/- towards reimbursement of 75% of the medical expenses. The following are the break-up details of the award granted by the Tribunal:

pain and suffering -	Rs. 200
Permanent disablement -	Rs.13,000
loss of earning power -	Rs. 5,000
Reimbursement of balance	
25% of medical expenses -	Rs. 200/-

Total	Rs.18,400/-

The break-up details would show that, the amount of compensation awarded by the Tribunal is reasonable.

5. Even assuming that it is excessive, having regard to the escalation in prices and reduction in the money value, the amount of compensation awarded in the year 2000, cannot be said to be excessive in 2017.

6. Thus, the appeal is dismissed confirming the award of the Tribunal. No costs. consequently, connected miscellaneous petition is closed.

7. The appellant/Transport Corporation is directed to deposit the entire award amount, along with interest at 9% from the date of petition till the date of realisation and costs, 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 amount directly to the bank account of the claimant/first respondent through RTGS within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS II)

//True Copy//

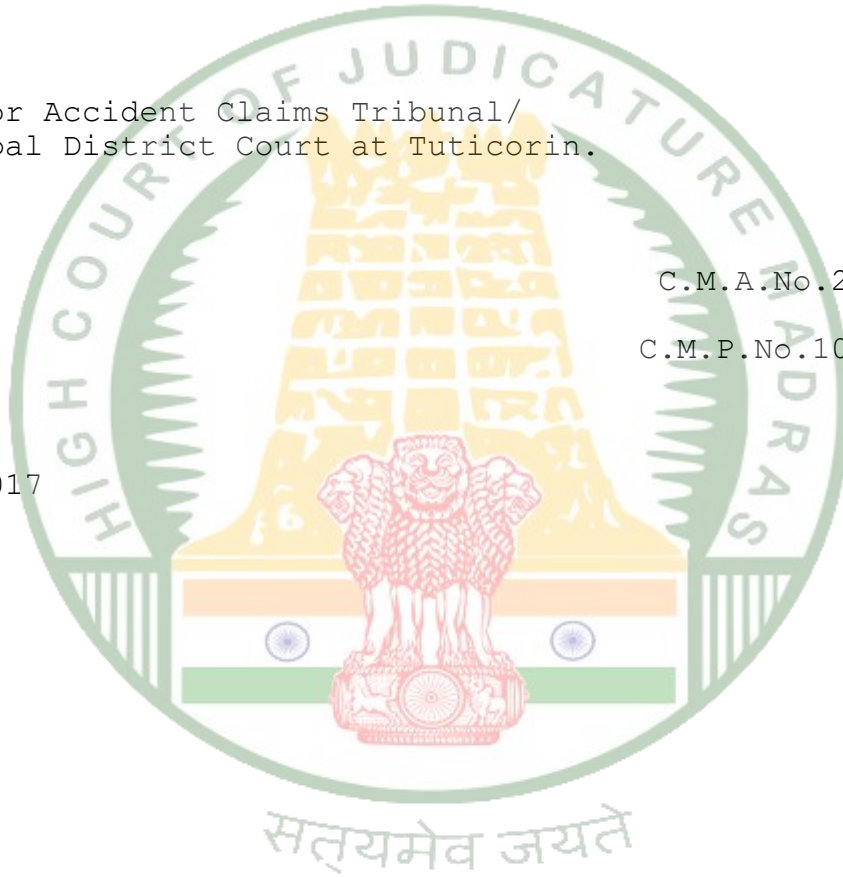
Sub Assistant Registrar

sms/kv
To

1.The Motor Accident Claims Tribunal/
Principal District Court at Tuticorin.

C.M.A.No.2043 of 2017
and
C.M.P.No.10968 of 2017

pa(co)
aa20/09/2017



WEB COPY