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IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED : 21.06.2017

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THE HONOURABLE DR. JUSTICE S.VIMALA

C.M.A. No.2231 of 2017

and

C.M.P.No. 11837 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation Limited
Trichirapalli.

.. Appellant

-/Vs/-

Ravi

.. Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 31.08.2005 made in M.A.C.T.O.P.No.256 of 2004 on the file of the Motor Accidents Claims Tribunal, (Fast Track Court -III) Additional District Judge, Virudhachalam.

For Appellant : Mr.Rajnish Pathiyil

J U D G M E N T

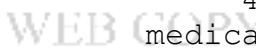
The claimant Ravi, aged 26 years, working as load man and earning a sum of Rs.5000/- (Rupees Five Thousand Only) per month, met with an accident on 23.05.2003. Therefore, he filed a claim petition claiming a sum of Rs.2,00,000/- as compensation.

2. The Tribunal, on consideration of oral and documentary evidence, awarded a sum of Rs.82,000/-, the break-up details of which is as under :-

Loss of income	:	Rs. 72,000/-
Pain and Suffering	:	Rs. 5,000/-
Transport and Medical Expenses:		Rs. 5,000/-

Total		Rs. 82,000/-

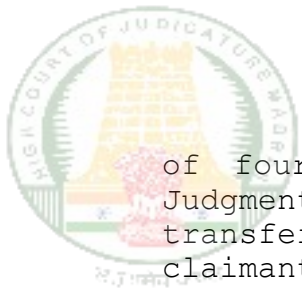
Challenging the compensation awarded as excessive, the present appeal has been filed by the Transport Corporation.



4. The materials available on record, more particularly, the medical records reveal that the claimant had sustained fracture in the left foot. The doctor, who treated the claimant has assessed the disability at 25% and has further opined that the claimant finds difficulty in walking as well as sitting and the shortening of the leg has resulted in restriction of movement. The avocation of the claimant being a load man, he is required to carry load and the above injuries sustained by him would hamper in his carrying out his avocation properly. Therefore, considering all the above factors, the tribunal has fixed the disability at 25% and considering the injuries sustained by the claimant, has thought it fit to adopt multiplier method.

6. Though it is the contention of the learned counsel for the appellant that the compensation awarded is on the higher side, however, a careful perusal of the findings and reasons given by the Tribunal for awarding the compensation, this Court is of the considered view that the compensation awarded by the Tribunal cannot be said to be excessive or disproportionate. Further, it is to be pointed out that the compensation awarded towards medical expenses is on the lesser side. The Tribunal has not awarded any compensation towards loss of enjoyment of amenities and, therefore, the award passed by the tribunal cannot be said to be excessive and, accordingly, the same is confirmed.

8. The appellant/transport corporation is directed to deposit the entire award amount, along with interest and costs as quantified by the Tribunal, 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 being made, the Tribunal shall transfer the award amount directly to the bank account of the claimant through RTGS within a period of two weeks thereafter.

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Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

ksa/GLN

To

1. The Additional District Judge,
(Fast Track Court -III),
Virudhachalam.
2. The Section Officer, VR Section,
High Court, Madras.

C.M.A. No.2231 of 2017

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