

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

Civil Miscellaneous Appeal No.2410 of 2017
and C.M.P.No.13047 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Vazhutha Reddy, (Villupuram) Limited,
Vellore Region, Vellore 632 009

.. Appellant

..VS..

Pawnambal

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 11.12.2006 made in M.C.O.P.No.140 of 2002 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Panruti.

For Appellant : Mr. V.Ramesh

सत्यमेव जयते

J U D G M E N T

The Appeal has been filed by the appellant / Transport Corporation, challenging the quantum of compensation.

2. The claim petition in M.C.O.P.No.140 of 2002 has been filed by one Pawnambal, aged 50, a Vegetable Vendor, earning a sum of

Rs.120/- per day, who met with an accident on 27.02.2002, while travelling as a passenger in a bus belonging to the appellant / Corporation, claiming a sum of Rs.2,00,000/-, as compensation.

3. The Tribunal, on a consideration of the materials, has awarded a sum of Rs.80,000/-, under the following breakup details:-

Medical expenses and extra nourishment -	Rs.10,000.00
Pain and sufferings -	Rs.20,000.00
Loss of income, loss of earning capacity and Future loss of income -	Rs.50,000.00

	Rs.80,000.00

4. Challenging the quantum of compensation as exorbitant, the Transport Corporation has filed this Appeal.

5. The contention of the learned counsel appearing for the appellant / Transport Corporation is that the award of Rs.80,000/- is disproportionate to the injuries suffered and loss of earning capacity awarded is also excessive.

6. A perusal of the award passed by the Claims Tribunal is essential to find out, whether the said contention of the learned counsel for the appellant is justified. The Tribunal has relied upon the evidence of the claimant, apart from the evidence of the Doctor. The claimant has suffered fracture of alna in the right hand (forearm) and lacerated injury on the left and right femur. The Doctor has stated that, because of the fracture of alna, there has been restriction in the movement in the right wrist. A difficulty has been expressed in carrying weighty objects. The Doctor has certified disablement at 30%.

7. Considering the fact that the claimant had been the vegetable vendor and this part of the injury, in the right hand, would affect her earning capacity, the Tribunal has awarded a sum of Rs.50,000/-. This amount includes loss of income during treatment period as well as loss of earning capacity. Needless to point out that use of right hand is indispensable in discharging household activities. The claimant has suffered not only loss of income on account of the diminishing income of business loss, but also the claimant would have incurred additional expenditure on account of engaging the services of another housemaid for getting

the household work done. Therefore, the award passed for a sum of Rs.50,000/- cannot be said to be excessive. Moreover, the Tribunal has awarded a meager sum of Rs.10,000/- towards both the heads, i.e., the medical expenditure and extra nourishment, just because the medical bills are not filed. The Tribunal should have estimated the probable medical expenditure, even though the bills are not paid. The award passed by the Tribunal on the each and every heads is reasonable and this award passed in the year 2006 would not be sufficient award for the year 2017, where there is manifold increase in the prices of commodities.

8. In view of the above reasonings, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected MP is closed.

9. The appellant / Transport Corporation is directed to deposit the amount of compensation, as awarded by the Claims Tribunal, along with interest at 7.5% per annum, from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall

transfer the amount to the Savings Bank Account of the claimant through RTGS.

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Index : Yes / No

Web : Yes / No

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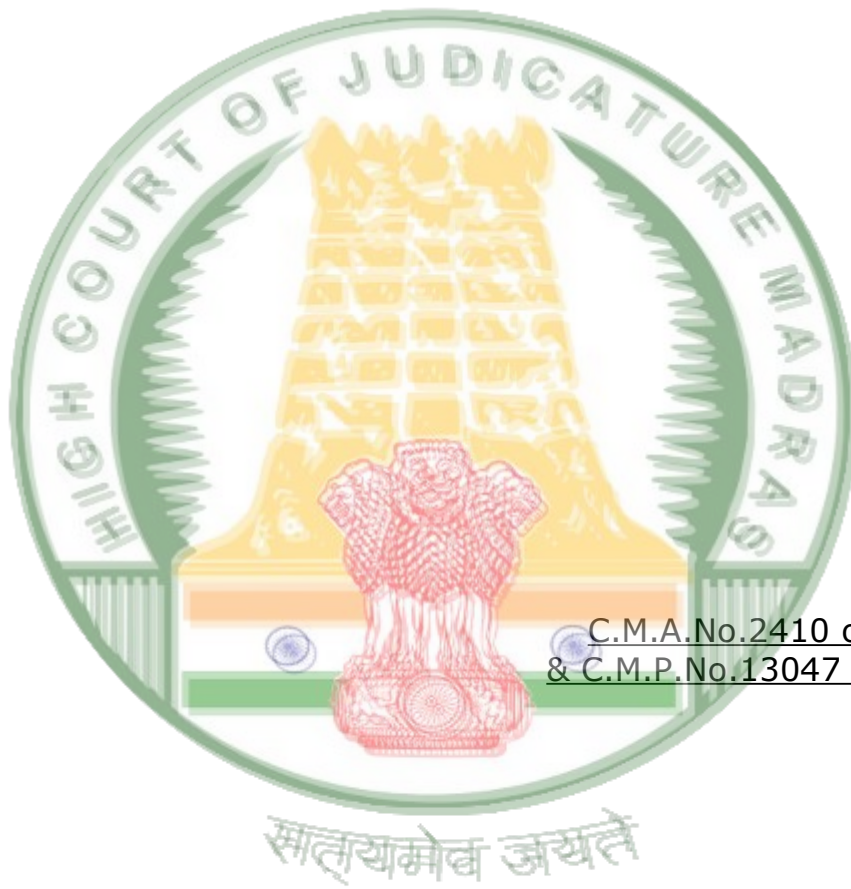
1. Motor Accident Claims Tribunal, Subordinate Court, Panruti.
2. The Section Officer, V.R.Section, Madras High Court, Chennai 104



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Dr. S.VIMALA, J.,

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