

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2017

C O R A M

The Honourable **Mr.Justice S.Manikumar**
and

The Honourable **Mr.Justice M.Govindaraj**

Civil Miscellaneous Appeal No.917 of 2017
and

C.M.P.No.4557 of 2017

The Managing Director
State Express Transport Corporation Ltd.,
Chennai

... Appellant

Vs

1.Madhavan
2.Prakash Babu
3.The Branch Manager
Oriental Insurance Company
No.3607/21, 2nd Floor, Pudukottai
Pudukottai District

... Respondents

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 28.06.2012, passed in M.C.O.P.No.41 of 2010, by the Motor Accident Claims Tribunal (Additional Sub Court), Mayiladuthurai

For Appellant : Mr.P.Paramasivadoss

J U D G M E N T
(Made by S.Manikumar,J)

In the accident, which occurred on 01.07.2009, first respondent, a doctor, claimed that he sustained serious injuries, resulting in total loss of vision in one eye and impairment in the other eye, assessed by PW3-doctor, as 80%. Claim made in the year 2010, has culminated into an award on 28.06.2012 in MCOP No.41 of 2010 on the file of Motor Accident Claims Tribunal (Additional Subordinate Judge), Mayiladuthurai, directing payment of compensation of Rs.18,59,800/-, with interest @ 7.5% per annum till realisation. Managing Director, State Express Transport Corporation, is on appeal against the quantum of compensation. Tribunal has quantified the said sum, as hereunder:

For Permanent disability	: Rs. 15,84,000/-
Medical Expenses	: Rs. 2,60,836/-
Pain and suffering	: Rs. 5,000/-
Additional Nutrition	: Rs. 5,000/-
Transport Expenses	: Rs. 5,000/-

	: Rs.18,59,836/-

Rounded off to Rs.18,59,800/-	

2. Mr.P.Paramasivadoss, learned counsel for the appellant, submitted that the challenge in this appeal is only on the quantum. Though first respondent is a doctor and aged about 55 years at the time of accident, the Tribunal has determined his monthly income only as Rs.15,000/-. Accepting the contention of PW3 - doctor that the loss of vision, has impaired the earning capacity of the injured to the extent of 80%, the Tribunal has computed compensation.

3. Going through the award discloses that compensation awarded under other heads, namely, pain and suffering and nutrition, is less. Quantum of compensation, cannot be, at any stretch of imagination, be said to be excessive for a man, who has lost his vision and to linger, for the rest of the life time.

4. Having regard to the judgement of the Hon'ble Apex Court that the victim should be compensated without any inordinate delay and finding that there is no merit in the appeal, we are not inclined to order further notice to the respondent, as no adverse order is passed in the appeal.

5. In the light of the above, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous

Petition is closed. The Managing Director, State Transport Express Corporation Ltd, Chennai, is directed to deposit the entire award amount with proportionate accrued interest and costs, less the statutory deposit to the credit of M.C.O.P.No.41 of 2014, on the file of Motor Accident Claims Tribunal (Additional Sub Court), Mayiladuthurai, within a period of four weeks from the date of receipt of a copy of this judgment. Tribunal is directed to disburse the amount to the first respondent, as expeditiously as possible, after ascertaining identity and proof.

(S.M.K.,J) (M.G.R.,J)
28.02.2017

Index : yes/No
website : Yes/No.
ASR

Note:

Registry is directed to send a copy of this judgment to the Motor Accident Claims Tribunal (Additional Sub Court), Mayiladuthurai, which shall affix the same in the Notice Board of the Tribunal. Registry is directed to send a copy of this judgment to the first respondent.

To

- 1.The Motor Accident Claims Tribunal,
(Additional Sub Judge), Mayiladuthurai
- 2.Mr.Madhavan (claimant/injured victim)

S.MANIKUMAR,J

a n d

M.GOVINDARAJ,J

asr.

C.M.A.No.917 of 2017

28/2/2017
<http://www.judis.nic.in>