



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 15.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.1150 of 2016

and

C.M.P (MD) .No.10342 of 2016

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The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai, Tiruchirappalli.

... Appellant/Respondent

Vs.

M.Tamilvanan

...Respondent/Petitioner

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act 1988, against the Award and Decree made in M.C.O.P.No.1283 of 2014 dated 09.02.2016 on the file of the Motor Accident claims Tribunal/III Additional Sub Court, Tiruchirappalli.

For Appellant : Mr.Prabhakaran

For Respondent : No Appearance

JUDGMENT

The Transport Corporation has filed this appeal questioning the impugned award on the ground of quantum.

2. The claimant met with an accident on 25.04.2014 and suffered amputation on his right leg upto thigh and also crush injuries on his left leg. The accident had occurred on account of the negligence on the part of the driver employed by the appellant Transport Corporation. The injured was aged about 22 years.

3. Before the Tribunal, the claimant had examined himself as P.W.1 and also the Doctor, who issued Disability Certificate-Ex.P.11 as P.W.2. The Tribunal rightly came to the conclusion that the accident took place on account of the rash and negligence of the driver of the appellant Transport Corporation. The Tribunal awarded a sum of Rs.20,54,492/- as compensation.

4. Questioning the same, this Civil Miscellaneous Appeal has been filed by the claimants

<https://hcservices.courts.gov.in/hcservices/>
5. The Tribunal rightly adopted the multiplier method. But considering the nature of the injuries suffered by the claimant,

disability will have to be fixed at 50%. Since no income proof was filed. The monthly income can be fixed at Rs.6,500/-. Adding future prospects of 40%, the monthly income comes to a sum of Rs.9,100/-. The injured was only 22 years at the time of the accident. Therefore, the multiplier must be 18. Therefore, the compensation payable to the claimant can be re-worked as under :

S1.No	Heads	Amount in Rupees
1.	Loss of income (Rs.9,100x12x18/2)	Rs.9,82,800/-
2.	Medical Expenses	Rs.4,32,492/-
3.	For Artificial Limb	Rs.60,000/-
4.	Pain and sufferings	Rs.1,14,000/-
5.	For Attender charges	Rs.25,000/-
6.	Extra Nourishment	Rs.25,000/-
7.	Transportation charges	Rs.10,000/-
8.	Loss of marital prospects	Rs.50,000
9.	Loss of amenities	Rs.50,000/-
	Total	Rs.17,49,292/-
	Rounded off	Rs.17,50,000

6.The compensation awarded by the Tribunal is reduced from Rs.20,54,492/- to Rs.17,50,000/-. The award dated 09.02.2016 made in M.C.O.P.No.1283 of 2014 on the file of the Motor Accident claims Tribunal/III Additional Sub Court, Tiruchirappalli, is accordingly modified.

7.The appellant Transport Corporation is directed to deposit the entire compensation amount of Rs.17,50,000/-with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing appropriate application.

8.This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected C.M.P(MD).No.10342 of 2016 is closed.

Sd/-
Assistant Registrar(AD-II)

/True Copy/



To:

The III Additional Sub Court,
Motor Accident claims Tribunal,
Tiruchirappalli.

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Vernacular Section,
Madurai Bench of Madras High Court.
Madurai.

+1cc to Mr.P. Prabhakaran, Advocate Sr.No.93099

KMI

VB/MR/KKR/SAR3/23.03.2018/3P/5C

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