



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1221 of 2015

and

M.P (MD) No.3 of 2015

&

Cros.Obj (MD) No.37 of 2015

State Express Transport Corporation Ltd,
through its Managing Director,
Thiruvalluvar House, Pallavan Salai,
Chennai.

... Appellant in CMA(MD) No.1221 of 2015/Respondent
... Respondent in Cros.Obj (MD) No.37 of 2015/
Appellant/Respondent

Vs.

Erudhaya Priya

... Respondent in CMA(MD) No.1221 of 2015/Petitioner
... Cross Objector in Cros.Obj (MD) No.37 of 2015/
Respondent/Petitioner

Common Prayer: CMA(MD) No.1221 of 2015 is filed under Section 173 of Motor Vehicles Act, 1988 and Cros.Obj (MD) No.37 of 2015 is filed under Order 41 of Rule 22 of CPC against the judgment and degree dated 20.10.2014 made in M.C.O.P No.850/2012 on the file of the Motor Accidents Claims Tribunal / IV Additional Sub Court, Madurai.

For Appellant
in CMA and respondent
in Cros.Obj

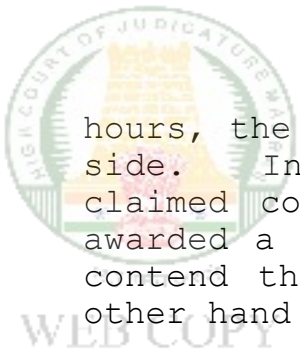
: Mr.P.Prabhakaran

For Respondent
in CMA and
Cross Objector in
Cros.Obj.

: Mr.P.Ramasubbu

COMMON JUDGMENT

State Express Transport Corporation has filed this appeal questioning the award dated 20.10.2014 made in MCOP.No.850 of 2014 on the file of Motor Accidents Claims Tribunal / IV Additional Sub Court, Madurai. The claimant has also filed Cross Objection.



hours, the corporation bus dashed against a parked lorry on the rear side. In the said accident, the claimant suffered injuries. She claimed compensation for a sum of Rs.1.00 crore. The Tribunal awarded a sum of Rs.35,24,288/-. The Transport Corporation would contend that the award amount is excessive. The claimant on the other hand prays for further enhancement.

3.Heard both sides.

4.Crime No.297/2011 was registered on the file of Kolar Rural Police Station against the driver of the appellant corporation. Charge sheet was filed against him. The rough sketch and MVI report were marked. After a careful perusal of the entire evidentiary materials available on record, the Tribunal fixed the negligence on the driver of the appellant corporation. The said finding stands confirmed.

5.The claimant suffered multiple fractures on her arms as well as legs. The injuries are grievous in nature. She was an inpatient for about eight months. PW2 was the doctor who examined her. He deposed that the disability suffered by the claimant was permanent in nature and was assessed at 31.1%. The Tribunal adopted multiplier method for quantifying the loss of earning power. This is clearly incorrect. In this case, the claimant was aged about 23 years and she was a software engineer. It has not been shown as to how the injuries suffered by her would have a bearing on the capacity to earn. Therefore, the award passed by the Tribunal will have to be modified.

6.The compensation payable to the claimant has to be re-worked as under :

Sl.No	Heads	Amount in Rupees
1.	For disability	Rs. 1,00,000/-
2.	Medical expenses including transportation charges, extra nourishment	Rs.18,50,000/-
3.	For loss of matrimonial aspects	Rs. 2,00,000/-
4.	For loss of amenities	Rs. 1,50,000/-
5.	Pain and sufferings	Rs. 2,00,000/-
	Total	Rs.25,00,000/-

7.The compensation awarded by the Tribunal is reduced from Rs.35,24,288/- to Rs.25,00,000/-. The award dated 20.10.2014 made in MCOP.No.850 of 2012 on the file of the Motor Accidents Claims Tribunal / IV Additional Sub Court, Madurai is modified. The appellant is directed to deposit the entire compensation amount with <https://hcservices.ecourts.gov.in/hcservices/> at the rate of 7.5% per annum, from the date of petition till 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 her, if any, by filing proper application before the Tribunal. The appellant is permitted to withdraw the balance amount, if any.

8. The Civil Miscellaneous Appeal (MD) No.1221 of 2015 is partly allowed. Cros.Obj(MD)No.37 of 2015 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal /
IV Additional Sub Court, Madurai.

2. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai.

C.M.A. (MD) No.1221 of 2015
and
M.P (MD) No.3 of 2015
&
Cros.Obj (MD) No.37 of 2015
27.10.2017

SKM

JM/SKN RSK/SAR 1/22.11.2017/3P/3C