



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WEB COPY

C.M.A(MD) No.297 of 2017

and

C.M.P(MD)No.3528 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

...Appellant/Respondent

vs.

G.Arumugam

...Respondent/Petitioner

Prayer: The appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and decree made in M.C.O.P.No.184 of 2012, dated 28.08.2014, on the file of the Motor Accident Claims Tribunal/Additional District Court, Pudukkottai.

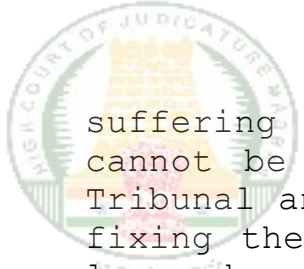
For Appellant	: Mr.P.Prabhakaran
For Respondent	: Mr.K.N.Govarthanan

JUDGMENT

The appeal against the award of the Motor Accident Claims Tribunal/Additional District Court, Pudukkottai, by the Transport Corporation.

2. Despite his best efforts, the learned counsel for the appellant is unable to point out any error in the award of the Tribunal regarding the findings on negligence. As far as quantum is concerned, the percentage of disability has been assessed as 43 and the Tribunal has awarded a sum of Rs.43,000/- towards permanent disability at Rs.1,000/- for 1 percentage of disability. A sum of Rs.54,000/- has been awarded towards loss of income for a period of one year. Another sum of Rs.43,000/- has been awarded for pain and suffering. The Tribunal has awarded a sum of Rs.85,805/- for medical expenses and a sum of Rs.2,000/- for nutrition. A sum of Rs.1,000/- each has been awarded for loss of property and transport expenses. Thus, total compensation comes to Rs.2,29,805/-.

3.Mr.P.Prabhakaran, learned counsel appearing for the appellant would vehemently contend that the Tribunal has awarded a sum of Rs.43,000/- for permanent disability twice. The said submission, I find, is based on a wrong reading of the award. Infact, the Tribunal has fixed a sum of Rs.43,000/- for pain and



suffering based on the percentage of disability. Therefore, it cannot be stated that there is any mistake on the part of the Tribunal and it has only taken the percentage of the disability in fixing the compensation for pain and suffering. According to the learned counsel for the appellant the sum of Rs.54,000/- awarded towards loss of income for a period of one year is on the higher side. Admittedly, the petitioner who was doing agricultural labour and milk vending business and was aged 37 years, has incurred the disability of 43%. He has been inpatient for nearly 17 days from 03.08.2007 to 20.08.2007. Considering the above factors, I don't think, the compensation awarded on head of loss of income is on the higher side. I do not see any reason for interfering with the award of the Tribunal. Hence, the appeal is dismissed and the award passed by the Motor Accident Claims Tribunal/ Additional District Court, Pudukkottai in M.C.O.P.No.184 of 2012 is confirmed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal/
Additional District Court,
Pudukkottai.

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

+1cc to Mr.K.N.GOVARDHANAN Advocate in SR. No.52307
+1cc to Mr.P.PRABHAKARAN Advocate in SR. No.51808

AM
JS/SV.MMS/5.05.2017/2P-5C

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13.04.2017