



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) Nos.330 of 2017 & 869 of 2016
and
C.M.P. (MD) .No.8085 of 2016

Manoharan ... Appellant in C.M.A.No.330 of 2017
...Respondent in C.M.A.No.869 of 2016

Vs.

Tamil Nadu State Transport Corporation Limited,
Through its Managing Director,
No.2, Trivandrum Road,
Vannarapettai,
Tirunelveli-627 003 Respondent in C.M.A.No.330 of 2017
...Appellant in C.M.A.No.869 of 2016

Prayer in C.M.A. (MD) No.330 of 2017: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount made in M.C.O.P.No.495 of 2013, on the file of the Motor Accident Claims Tribunal (4th Additional District Court), Tirunelveli, dated 09.06.2014.

Prayer in C.M.A. (MD) No.869 of 2016: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree made in M.C.O.P.No.495 of 2013, on the file of the Motor Accident Claims Tribunal (4th Additional District Court), Tirunelveli, dated 09.06.2014.

In C.M.A. (MD) No.330 of 2017

For Appellant : Mr.T.Selvakumaran
For Respondent : Mr.P.Prabhakaran

In C.M.A. (MD) No.869 of 2016

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.T.Selvakumaran

COMMON JUDGMENT

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Transport Corporation as well as the injured claimant



have filed both appeals, questioning the impugned award. While the claimant would pray for enhancement of the compensation, the Transport Corporation would contend what was awarded is already excessive.

3. One Manoharan, an agricultural coolie, was riding his two-wheeler on 03.01.2013 at about 12.30 p.m in the north bye pass road near Thatchanallur Vaika Palam, when the bus belonging to the Transport Corporation hit him. The claimant suffered injuries on his leg. He underwent a major surgery. He was inpatient in a hospital for a period of 15 days under two spells. He incurred a sum of Rs.55,000/- towards treatment. The doctor assessed his disability at 38%. Ex.P.18 was filed to substantiate the said contention. The Tribunal awarded a sum of Rs.4,64,000/- as compensation.

4. The Tribunal adopted the multiplier method. It is not the case of the claimant that he has suffered functional disability. Therefore, adopting the multiplier method, cannot be said to be correct.

5. The compensation payable to the claimant can be reworked as under:

Sl.No	Heads	Amount in Rupees
1.	For disability	Rs.1,14,000/-
2.	For Medical expenditure	Rs. 55,000/-
3.	For attender charges	Rs. 31,000/-
4.	For loss of income	Rs. 60,000/-
5.	For loss of love and affection	Rs. 50,000/-
6.	For loss of amenities	Rs. 15,000/-
7.	For transportation	Rs. 5,000/-
8.	For extra nourishment	Rs. 5,000/-
	Total	Rs.3,35,000/-

6. The award payable to the claimant is reduced from Rs.4,64,000/- to Rs.3,35,000/-. Therefore the award dated 09.06.2014, made in M.C.O.P.No.495 of 2013, on the file of the Motor Accident Claims Tribunal (4th Additional District Court), Tirunelveli, is modified accordingly.

7. The appellant/State Transport Corporation is directed to deposit the compensation amount of Rs.3,35,000/- with interest at the rate of 7.5% per annum with costs, from the date of realization, within a period of eight weeks from the date of receipt of a copy of this judgment less the amount already deposited, if any. On such deposit, the



respondent /claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. The State Transport Corporation is permitted to withdraw the remaining amount if, any.

8.C.M.A.(MD).No.869 of 2016 stands allowed accordingly. C.M.A.(MD).No.330 of 2017 stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The 4th Additional District Judge,
(The 4th Additional District Court)
The Motor Accident Claims Tribunal,
Tirunelveli.

2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+ 1 cc TO Mr.T.Selvakumaran , Advocate in SR No. 94169

+ 2 cc TO Mr.P.Prabhakaran , Advocate in SR No. 93674,93675

tsg

AE/JC/SAR1/06.06.2018/3P/7C

C.M.A. (MD) Nos.330 of 2017 & 869 of 2016

19.12.2017