



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.167 of 2015

Murugan

... Appellant/Petitioner

Vs.

Tamil Nadu State Transport Corporation
Limited,
through its Managing Director,
Vannarapettai, Tirunelveli.

... Respondent/Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 06.12.2013 made in MCOP.No.272 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli.

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

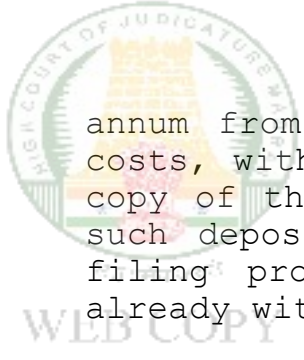
JUDGMENT

The claimant has filed this appeal seeking enhancement of compensation awarded to him by order dated 06.12.2013 made in MCOP.No.272 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli.

2.The claimant was a tailor by avocation. On account of the injury suffered in his right hand he is not able to move his hand. This is a case of functional disability. Therefore, the Tribunal rightly adopted the multiplier method. The respondent corporation did not file any appeal challenging the approach of the Tribunal. The Tribunal has taken monthly income of the claimant at Rs.3,000/-. The accident took place in the year 2011. Therefore, the monthly income ought to have been taken as only Rs.6,000/-.

3.The Tribunal awarded only a sum of Rs.4,48,656/- with interest. This appeal is restricted to a sum of Rs.3,00,000/-. Therefore, the appeal is allowed as prayed for. The compensation payable to the claimant would come to Rs.7,48,656/-. The award dated 06.12.2013 made in MCOP.No.272 of 2011 on the file of the Motor Accidents Claims Tribunal, Additional Sub Court, Tirunelveli is modified.

4.The respondent transport corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per



annum from the date of petition till the date of realization and costs, within a period of eight 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claimant is permitted to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

5.This Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
Motor Accidents Claims Tribunal,Tirunelveli.

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

+1CC to Mr.T.Selvakumaran, Advocate, SR.No. 87533

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 87079

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