



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.20 of 2015

and

M.P. (MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Divn.II) Limited,
Periyamilaguparai,
Trichy.

... Appellant/ Respondent

Vs.

Thammana Gounder

... Respondent/Claimant

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Additional Sub Court, Karur in MCOP.No.172 of 2012, dated 29.11.2013.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.N.Shanmugaselvam

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Managing Director, Tamil Nadu State Transport Corporation, Kumbakonam, Division-III Limited, Trichy challenging the award dated 29.11.2013 on the file of the Motor Vehicle Accidents Claims Tribunal, Additional Sub Court, Karur.

2.The respondent herein is the claimant. He had suffered grievous injuries on 06.03.2011 when he was riding his bicycle in Karur - Coimbatore NH-67 Main road, the bus belonging to the appellant corporation dashed against him. The Tribunal found that the accident occurred on account of the rash and negligent driving of the driver of the bus belonging to the appellant corporation. There is no reason to take a different view on facts. The claimant examined himself as PW.1 and the doctor who treated him as PW.3. The doctor has given a certificate certifying that the appellant has suffered 60% permanent disability. This is evident from Ex.P10. The Tribunal awarded a sum of Rs.3,91,000/- as compensation together with interest. Aggrieved by the same, this Civil Miscellaneous Appeal has been filed.



3.The primary contention raised by the learned counsel for the appellant is that the Tribunal erred in adopting multiplier method. I find force in the said submission. However, it cannot make any difference to the final outcome. This is because, the claimant having suffered 60% permanent disability would still be entitled to a sum of Rs.1,20,000/- under that head alone. If re-worked, the compensation payable to the appellant would be calculated as follows :

1.Permanent disability	= Rs.2,000x60	= 1,20,000
2.Medical expenses	= Rs.1,96,925/-	
3.Future Medical Expenses	= Rs.30,000/-	
4.Pain and sufferings, transportation charges and for Extra nourishment	= Rs.44,000/-.	
Total	=	Rs.3,90,925

4.The learned counsel for the claimant pointed out that the claimant was an agriculturist and loss of three fingers on his left limb had lead to functional disability. Taking into account the totality of the facts circumstances obtaining in this case, I see no reason to interfere with the award passed by the Court below. It stands confirmed. This Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Additional Sub Court, Karur.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Sivaraman, Advocate SR.No.81999

+1cc to Mr.N.Shanmugaselvam, Advocate Sr.No.82208

SKM/ARUL

VB/KK/SAR3/27/10/2017/2P/5C

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