



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.12.2017
CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

C.M.A (MD) No.331 of 2016
and
C.M.P (MD) No.4608 of 2016

Tamil Nadu State Transport Corporation,
(Kumbakonam Division) Limited,
Represented by
its Managing Director
New Railway Station Road,
Kumbakonam.

... Appellant/1st Respondent

Vs.

1.V.Ramesh

... 1st Respondent/Petitioner

2.Tamil Nadu State Transport Corporation,
Erode Division-II) Limited,
Represented by
its Managing Director,
Chennimalai Road, Erode.

... 2nd Respondent/
2nd Respondent

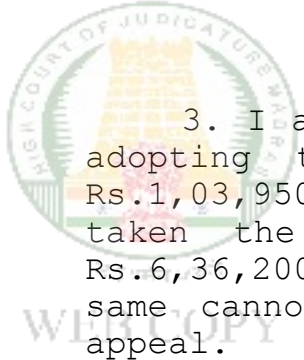
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the fair and decretal order dated 30.03.2015 made in M.C.O.P.No.117 of 2012 on the file of the Motor Accident Claims Tribunal/ Principal Sub Court, Karur.

For Appellant	:Mr.P.Prabhakaran
For R-1	:Mr.V.Balaji
For R-2	:Mr.M.Kayalarasan

JUDGMENT

The Transport Corporation has filed this appeal questioning the impugned award primarily on the ground of quantum.

2. The injured claimant was working as labourer in a private concern. The accident had occurred on 07.02.2010. The claimant had suffered fracture on the right elbow and also crush injuries on the right elbow and forearm. He was travelling as passenger in another Transport Corporation bus. The doctor assessed his disability as 50%. The Tribunal adopted multiplier method, saying that it is the case of functional disability. The claimant had examined himself as P.W.1 and deposed as to how he suffered functional disability. Except putting a formal suggestion, it has not been seriously challenged.



3. I am, therefore, of the view that the Tribunal was right in adopting the multiplier method. In this case, the sum of Rs.1,03,950/- was spend towards medical treatment. The Tribunal had taken the sum of Rs.4,500/- as monthly income. A sum of Rs.6,36,200/- was awarded as compensation by the Tribunal and the same cannot be said to be excessive. There is no merit in this appeal.

4. Therefore, the award dated 30.03.2015 made in M.C.O.P.No.117 of 2012 on the file of the Motor Accident Claims Tribunal/ Principal Sub Court, Karur, is confirmed. The appellant Transport Corporation is directed to deposit the entire compensation amount of Rs.6,36,200/- (Rupees Six lakhs thirty six thousand two hundred only) with interest at the rate of 7.5% per annum and costs, from the date of petition till the 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 entire amount, less the amount already withdrawn by him, if any, by filing proper application, before the Tribunal.

5. This Civil Miscellaneous Appeal is dismissed, accordingly. No costs. Consequently, C.M.P(MD)No.4608 of 2016 is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sub Court/
The Motor Accident Claims Tribunal,
Karur.

2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1CC to Mr.P.Prabhakaran Advocate in SR.No.93479,
+1CC to V.Balaji Advocate in SR.No.93313.

KMI

DS/JC/SAR-3 :13.06.2018: 2P/6C

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