



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A. (MD) No.97 of 2017

AND

C.MP (MD) No.987 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
Karaikudi.

: Appellant/Respondent

vs.

Ramajeyam

: Respondent/Petitioner

PRAYER: Appeal is filed under Section 173 of the Motor Vehicles Act against the Order and decree dated 31.07.2012, made in M.C.O.P.No.12 of 2011 on the file of the Motor Accident Claims Tribunal, Additional District Court, Ramanathapuram.

For Appellant

: Mr.V.Sriram for
M/s.D.Sivaraman

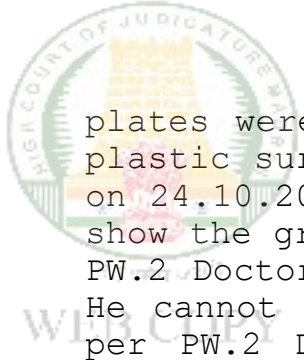
JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant / Transport Corporation against the award of Rs.7,10,240/- as compensation to the respondent, for the injuries sustained by him in the accident occurred on 24.08.2007, when the respondent was riding as a pillion rider in the Two wheeler and having knocked down by the appellant / Transport Corporation bus, driven rash and negligently.

2. The learned counsel appearing for the appellant would submit that even though the claimant sustained injuries, the injuries are not_ could be informed to take away avocation and therefore, the application of multiplier by the Court below is no where given.

3. Heard Mr.V. Sriram, learned counsel appearing for the appellant and perused the materials available on record.

4. On perusal of the records would show that the respondent sustained bone fracture in the hip and thigh and destruction of tissue in the thigh region, he was admitted in the hospital originally in Ramanathapuram General Hospital and thereafter, he was shifted on 24.08.2014 itself, Meenakshi Mission Hospital, Madurai and the



plates were kept inside the right leg. He was operated 9 times and plastic surgery was done on him he was discharged from the hospital on 24.10.2007 after more than two months. That itself would go to show the gravity of the injury sustained by the claimant. That apart PW.2 Doctor himself stated the claimant is unable to walk properly. He cannot climb stair case and he cannot stand for a long time as per PW.2 Doctor's evidence and as per Ex.P8, the disability was determined by the Doctor at 63%. The determination could not be found fault with as the claimant was suffered by 63% disability and 9 times operated and still he has got plates inside his body. Therefore, the claimant is not in a position to do his work properly and there would be a loss of income due to the inability to continue his avocation. Therefore, the Tribunal rightly adopted multiplier and therefore, the said application cannot be found fault and the same is confirmed.

5. Taking Rs.3,000/- as monthly income and applying multiplier 18 according to the age of the claimant and for 63% disability the Tribunal rightly awarded a sum of Rs.4,08,240/-. Similarly, Rs.10,000/- towards pain and suffering; Rs.6000/- towards extra nourishment and Rs.2,56,000/- towards medical expenses; Rs.30,000/- towards future medical expenses are all reasonable and therefore, the award of the Tribunal is confirmed.

6. In the result,

(i) This Civil Miscellaneous Appeal is dismissed, however, the award amount of **Rs.7,10,240/- (Rupees Seven Lakhs Ten Thousand and Two Hundred and Fourty Only)** along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs passed by the Tribunal is hereby confirmed.

(ii) The appellant- Transport Corporation is directed to deposit the entire award amount to the credit of M.C.O.P.No.12 of 2011, by the Motor Accident Claims Tribunal - cum - Additional District Court, Ramanathapuram, along with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this judgment;

(iii) On such deposit, the Tribunal is directed to transfer the respective share amount of the respondent / claimant directly to his Personal Savings Bank Account Numbers, through RTGS/NEFT system, after getting their Account Details within a period of **two weeks thereafter;**

(iv) In the facts and circumstances of the case, there shall be no order as to costs. Consequently, the connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Additional District Judge,
Motor Accident Claims Tribunal
Additional District Court,
Ramanathapuram.

Copy to:

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.SIVARAMAN Advocate in SR. NO.6150
TRP/PGP
JS/JC/SAR.4/16.08.2017/2P-4C

Judgment made in
C.M.A. (MD) No. 97 of 2017
AND
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