



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.707 of 2016

and

C.M.P(MD)No.7237 of 2016

M/s.Tamil Nadu State Transport
Corporation,
(Kumbakonam Divison II) Ltd,
Rep. by its Managing Director,
Having Office at Periyamilaguparai,
Cantonment, Trichirappalli-01. ... Appellant/Respondent

Vs.

S.Vinoth Kumar ... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 31.10.2014 made in MCOP.No.4131 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Trichirappalli.

For Appellant : Mr.D.Sivaraman

For Respondents : Mr.N.Sudhagar Nagaraj

JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal questioning the impugned award on the ground of quantum. The claimant suffered injuries in his left leg and he also suffered hip dislocation. He filed petition under Section 163 A of the Act claiming compensation. The doctor has certified that he suffered disability to the tune of 42%. The Tribunal awarded a sum of Rs.3,01,780/- by applying multiplier method. In this case, applying the multiplier method is clearly erroneous. Therefore, the compensation payable to the claimant is reworked as under :



For disability compensation (42X3000)	: Rs.1,26,000/-
Expenses relating to treatment	: Rs. 73,780/-
Pain and sufferings	: Rs. 30,000/-
Loss of earnings	: Rs. 20,000/-
Loss of amenities	: Rs. 10,000/-

Total	: Rs.2,59,780/-

3.The compensation payable to the claimant is reduced from a sum of Rs.3,01,780/- to Rs.2,59,780/-. The award dated 31.10.2014 made in MCOP.No.4131 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Trichirappalli is modified.

4.The appellant Transport Corporation is directed to deposit a sum of Rs.2,59,780/- 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claimant is entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.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 partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Special Judge,
Motor Accidents Claims Tribunal,
Special Sub Court, Trichirappalli.

+1cc to M/S.D.Sivaraman, Advocate SR.No. 88954
+1cc to M/S.N.Sudhagar Nagaraj, Advocate SR.No. 89052

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JM/SKN RSK/SAR 1/08.01.2018/2P/4C