

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2818 of 2008

T.Subramanian

... Appellant

..Vs..

Metropolitan Transport Corporation Ltd.,
Division - II, Ayanavaram,
Chennai 600 023.

...Respondent

PRAYER:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the common judgment and decree dated 01.11.2007 in M.C.O.P.No.4898 of 2002 on the file of the VI Judge, Small Causes Court (Motor Accidents Claims Tribunal), Chennai and praying to set aside the same.

For Appellants : Mr.A.Shanmugaraj

For Respondent : No appearance

JUDGMENT

The appellant is the claimant in M.C.O.P.No.4898 of 2002 on the file of the VI Judge, Small Causes Court (Motor Accidents Claims Tribunal), Chennai. He filed the above said claim petition seeking a compensation of Rs.2,61,000/- for the injury sustained by him in a road accident that took place on 13.09.1999.

2.The brief case of the claimant is as follows:

On 13.09.1999 at about 02.45 pm, the claimant was travelling in a two wheeler bearing Registration No. TN-02-B-7938 as a pillion rider along Uthamar Gandhi Salai, Chennai. At that time, a speeding bus bearing Registration No. TN 02 N 0316 belonging to the respondent hit the claimant, as a result of which, he sustained injuries. Immediately he was rushed to the Government Hospital, where, he was admitted as an inpatient till 24.09.1999. Subsequently, he took treatment for four months as outpatient. The respondent filed a counter denying all the allegations of the petitioner.

3.The learned VI Judge, Court of Small Causes, Chennai after analysing the evidence on record, awarded a sum of Rs.74,000/- to the claimant together with interest at the rate of 7.5% per annum from the date of filing of the petition till the date of deposit. Aggrieved over the quantum of compensation, the present appeal is filed by the claimant under Section 173 of the Motor Vehicles Act.

4.Mr.A.Shanmugaraj, learned counsel appearing for the appellant contended that the appellant filed a petition under Section 163(A) of Motor Vehicles Act read with Rule (3) of MACT and that as per second schedule, multiplier method should be adopted for calculating the loss of earning capacity and that the trial court has committed an error in awarding only a sum of Rs.45,000/- especially when the partial permanent disability as per the doctor Thiagarajan (P.W.3) is 30%.

5. A perusal of Ex.P6 shows that Dr.Thiagarajan (P.W.3) has assessed the partial permanent disability as 30%. Based on this certificate, the trial court has awarded a sum of Rs.45,000/- towards permanent disability. Apart from awarding this amount, a sum of Rs.20,000/- is awarded under the heads 'pain and suffering', 'extra nourishment' and 'medical transportation' and a sum of Rs.9,000/- towards 'loss of earning'. Thus, the trial court has awarded a total compensation of Rs.74,000/- together with interest at the rate of 7.5% per annum. By any stretch of imagination, the award passed by the tribunal can be considered as meagre, since the injuries sustained by the appellant/claimant are not serious in nature. Therefore, I do not see any reason to enhance the quantum of compensation awarded by the Tribunal.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mbi/dna

To

1. The VI Judge, Small Causes Court,
Chennai.

2. The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Mr.V.Kasiviswanathan, Advocate, S.R.No.78359

+1cc to Mr.A.Shanmugaraj, Advocate, S.R.No.78221

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PP (CO)
CS/20/06/2019



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