



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3357 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
No.12, Ramakrishna Main Road,
Salem-7.

...Respondent/Appellant

Vs

Sevanthiyammal

... Petitioner/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Award made in MCOP.No.145 of 2008 dated 30.04.2009 on the file of the Motor Accident Claims Tribunal, and Principal Sub Judge Salem.

For Appellant: Mr.S.V.Vasanthakumar

For Respondent: No appearance

JUDGMENT

The instant appeal has been filed by the Transport Corporation challenging the award dated 30.04.2009, passed by the Motor Accident Claims Tribunal and Principal Sub Judge, Salem, in MCOP.No.145 of 2008.

2. The brief facts leading to the filing of the instant appeal are as follows:-

The respondent sustained injuries, as a result of an accident on 08.08.2006 caused by a Bus bearing Registration No.TN 27-N-1058 owned by the Appellant Transport Corporation. The respondent preferred a claim before the Motor Accident Claim Tribunal, Salem in MCOP.No.145 of 2008 seeking a compensation of Rs.5,00,000/-. The Motor Accident Claims Tribunal, Salem by its award dated 30.04.2009, in MCOP.No.145 of 2008, directed the appellant to pay the respondent a sum of Rs.2,48,200/- as compensation together with interest at 7.5% per annum from the date of claim till the date of realization.



4. Heard Mr. S.V.Vasanthakumar, learned counsel for the appellant. Despite the respondent being represented by a counsel, there is no representation on the side of the respondent today.

6. As seen from the impugned award, the respondent has sustained grievous injuries by getting both bones fractured in her right leg and she has also sustained multiple injuries all over the body, as a result of the accident. The respondent has also produced a disability certificate which was marked as Ex.A.3, before the Tribunal, which discloses that she has suffered 50% permanent disability as a result of the injuries sustained by her due to the accident. No contra evidence has been produced by the appellant to disprove the disability of the respondent.

8. The respondent was aged about 50 years at the time of the accident. Considering her age and the injuries sustained by her as a result of the accident, she would certainly have lost her future earning capacity. The Tribunal has rightly applied the multiplier method for assessing the compensation under the head "loss of income", on account of her permanent disability. The Tribunal has awarded Rs.1,98,000/- towards loss of income to the respondent as a result of the permanent disability, Rs.15,000/- towards pain and sufferings, Rs.5,000/- towards Transportation, Rs.5,200/- towards Nourishment and Rs.25,000/- towards future medical expanses. The respondent has also produced her medical records, before the Tribunal, which was marked as Ex.A.2. On the side of the respondent, two witnesses were examined including herself as well as the Doctor, who treated her. The appellant has not filed any document before the Tribunal to disprove the claim of the respondent. They have examined only the Conductor of the bus as R.W.1.



9. This Court is of the considered view that the compensation awarded to the respondent under the impugned award is a just compensation. There is no merit in the instant appeal. Accordingly, the appeal is dismissed. The appellant is directed to deposit the award amount, after deducting the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent is permitted to withdraw the entire award amount by filling an appropriate application. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tta/rts

To

1. The Motor Accident Claims Tribunal,
Principal Sub Judge Salem.

+1cc to Mr.S.V.Vasanthakumar, Advocate sr.no.62322

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VBA (CO)
NR 22/11/2018