



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.158 of 2018

and

CMP.(MD) No.2326 of 2018

The Managing Director,
Tamil Nadu State Transport Corporation,
New Railway Station Road,
Kumbakonam.

... Appellant/ Respondent

Vs.

Muruganandham

... Respondent/ Petitioner

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 04.01.2017, passed in M.C.O.P.No.584 of 2016 on the file of the Motor Accidents Claims Tribunal, Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.G.Karnan

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the learned Special District Judge, Motor Accidents Claims Tribunal, Thanjavur, in M.C.O.P.No.584 of 2016, dated 04.01.2017.

2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is a case of injury and the tribunal has awarded a sum of Rs.8,08,267/- as compensation, against which, the Appellant/Transport Corporation company is before this Court.

4. Though several grounds are raised in the memorandum of grounds, the main grounds on which the appellant Corporation has filed this appeal are on negligence and quantum. As far as the negligence is concerned, the tribunal has discussed the same very elaborately in Paragraph Nos.6 to 9, which clearly state that the driver of the appellant Corporation is the cause for the accident.

5. Insofar as the quantum is concerned, the learned Counsel for the appellant contended that the lower Court erred in awarding a



sum of Rs.4,20,000/- towards loss of future income. The learned Trial Judge ought not to have adopted the multiplier method, but as per the judgment rendered by this Court in the decision reported in 2013 (2) TN MAC 583, the tribunal has to give Rs.3,000/- per percentage of disability and therefore, the multiplier method adopted by the tribunal deserves interference.

6. A reading of paragraph No.10 of the judgment clearly shows that the injuries sustained by the respondent is very serious in nature and amputation was done on his right leg below the knee. Even though the doctor has fixed the permanent disability as 70%, the tribunal has discussed the same very elaborately in Paragraph No.10, but assessed the disability at 50%.

7. Perusal of records show that the petitioner is the employee of the appellant Corporation and his legs are being amputated, which cannot be compensated by way of money. The claimant lost his leg on account of accident while on duty and therefore, his disability is a functional disability. Infact in my considered opinion, the respondent being the employee of the appellant Corporation and having lost his legs, the compensation awarded by the tribunal itself is very reasonable and not very exorbitant. The Tribunal has rightly adopted the multiplier method and awarded compensation.

8. The tribunal, having regard to the facts and circumstances of the case and after analyzing the evidences let-in by both the parties, has rightly applied the multiplier method and therefore, this Court is of the considered view that the grounds on which the present appeal came to be filed lacks merits and this appeal is liable to be dismissed.

9. In the result, this Civil miscellaneous appeal is dismissed. The award passed by the tribunal in M.C.O.P.No.584 of 2016 dated 04.01.2017, is hereby confirmed. The appellant is directed to deposit the entire compensation with interest @ 7.5% per annum from the date of claim petition, till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this judgment, if not deposited already. On such deposit the respondent/claimant is permitted to withdraw the entire award amount with accrued interest and costs, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



To

The Special District Judge,
Motor Accidents Claims Tribunal,
Thanjavur.

COPY TO:

The Record Keeper,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 70918

+1cc to M/S.G.Karnan, Advocate SR.No. 70866

C.M.A(MD) .No.158 of 2018

03.07.2018

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JM/PN/SAR 1/20.07.2018/3P/6C