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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

CMA No.1275 of 2015
and M.P.No.1 of 2015

The Managing Director,
Karnataka State Transport
Corporation Limited,
Kolar Division,
Karnataka State.

.. Appellant /Respondent

vs.

Shankarappa

.. Respondent /Petitioner

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 29.04.2014 made in O.P.No.192 of 2013 on the file of the Motor Vehicle Accident Claims Tribunal, Sub Court, Hosur.

For Appellant : Mr.T.Thiyagarajan

J U D G M E N T

The appeal has been preferred by the Transport Corporation aggrieved against the amount of Rs.8,65,750/- awarded by the Tribunal as compensation for the injuries sustained by the respondent/claimant in the accident occurred on 22.09.2011.

2. Heard Mr.T.Thiyagarajan, learned counsel appearing for the appellant/Transport Corporation.

3. The only question to be decided in this appeal is the quantum of compensation awarded by the Tribunal.

4. The respondent/claimant, a 40 years old mason sustained fracture on his right femur, right ankle and lacerated wound on his right foot. Based on medical records as well as the evidence of PW2/doctor, the Tribunal determined the disability at 50%. The disability determined by the Tribunal appears to be very reasonable. Considering the nature of injuries sustained by



the appellant, the Tribunal adopted multiplier method for awarding compensation towards permanent disability. The Tribunal in the absence of material evidence to prove the income, fixed a sum of Rs.6,000/- per month, fixed age of the appellant as 42 years based on wound certificate, applied multiplier 14, awarded a sum of Rs.5,04,000/- (Rs.6,000/- X 12 X 14 X 50/100) as compensation towards permanent disability and the same is very reasonable. In addition to that, the Tribunal has awarded a sum of Rs.30,000/- towards extra nourishment, Rs.36,000/- towards loss of earnings, Rs.18,000/- towards attendant charges, Rs.1,97,750/- towards medical bills and Rs.50,000/- towards pain and suffering. The same are just and reasonable and hence, they are hereby confirmed. Though it is contended by the learned counsel appearing for the appellant that a sum of Rs.30,000/- awarded by the Tribunal towards loss of social enjoyment and frustration is unwarranted, taking into consideration, non-awarding of amount towards transportation, awarding of Rs.30,000/- under this head is justified. Therefore, the amount of Rs.8,65,750/- awarded by the Tribunal is fair and the same is confirmed alongwith interest @ 7.5% per annum from the date of petition till the date of deposit. Hence, the appeal fails.

5. In the result, this Civil Miscellaneous Appeal is dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount alongwith interest and costs, less the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the respondent/claimant is permitted to withdraw the entire award amount along with interest and costs, after adjusting the amount, if any already withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Hosur.



2.The Section Officer
V.R.Section
High Court, Chennai.

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KJ (CO)
CB(13/07/2020)

C.M.A.No.1275 of 2015