

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.3135 of 2018

and

C.M.P.No.23788 of 2018

The Managing Director,
Tamil Nadu State Transport
Corporation,
Railway Station Road,
Kumbakonam Town and Munsif. Appellant / Respondent

Vs.

Ranjani Respondent / Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and decree dated 28.02.2018 made in M.C.O.P.No.190 of 2012 on the file of the Motor Accident Claims Tribunal (Sub Court), Mannarkudi.

For Appellant : Mr.D.Venkatachalam

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the judgment and decree dated 28.02.2018 made in M.C.O.P.No. 190 of 2012 on the file of the learned Motor Accident Claims Tribunal, (Sub Court), Mannarkudi.

2.The respondent is the claimant in M.C.O.P.No. 190 of 2012 on the file of the Motor Accident Claims Tribunal, Mannarkudi. She has filed the above claim petition claiming a sum of Rs.6,00,000/- as compensation for the injuries sustained by her in the accident that took place on 10.08.2011. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the driver of the bus belonging to the appellant and directed the appellant to pay a sum of Rs.3,19,016/- as compensation to the respondent. Against the said award dated 28.02.2018 made in M.C.O.P.No.190 of 2012, the appellant/Transport Corporation has come out with the present appeal challenging the quantum of compensation awarded by the Tribunal.

3.The learned counsel appearing for the appellant contended that the Tribunal erred in adopting multiplier method in the absence of any evidence with regard to the functional disability. The Tribunal also awarded excessive amount for pain and suffering. Therefore, prayed for setting aside the award passed by the Tribunal.

4.Heard the learned counsel appearing for the appellant and perused the materials available on record.

5.From the award of the Tribunal, it is seen that the respondent was aged 17 years at the time of the accident. Due to injuries on her face, near the eye and nose and other parts of the body, the Doctor has certified that she has suffered 24% of disability. The Tribunal without giving any reason, reduced the same to 14% and the Tribunal fixed monthly income at Rs.6,000/- per month and adding 40% towards future prospects and applying multiplier, granted compensation for 14% of disability and awarded a sum of Rs.3,19,016/- as compensation under different heads. Considering the entire materials on record especially when the respondent was a minor girl and suffered fracture on her face, the amount awarded by the Tribunal under different heads are not excessive. I do not find any error in the award of the Tribunal warranting interference by this Court.

6.In the result, the Civil Miscellaneous Appeal is dismissed and the amount awarded by the Tribunal is hereby confirmed. The appellant/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal along with interest and costs, less the amount deposited, if any, within a period of twelve 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, less the amount, if any, already withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CO)

//True Copy//

sms/rpl
To

Sub Assistant Registrar

1. The Sub-Judge, (Motor Accident Claims Tribunal), Mannarkudi.

+1 cc to Mr.D.Venkatachalam, Advocate, S.R.No.3790

SSJ(CO)
SSM(13/03/2019).

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