

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.691 of 2013
and M.P.No.1 of 2013

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam.

....Appellant/1st Respondent
vs.
1.P.T.Arul1st Respondent/Petitioner
2.Asraf Salam Bujili (Given up)2nd Respondent/2nd Respondent
3.United India Insurance Company Limited,
Kodambakkam Branch,
Chadhamama Buildings,
Vadapalani, Chennai - 26.3rd Respondent/3rd Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment in M.A.C.T.O.P.No.876 of 2002 dated 02.04.2009 passed by the Motor Accidents Claims Tribunal cum Additional District and Sessions Court (Fast Track Court No.1), Chidambaram.

For Appellant : Mr.D.Venkatachalam

For Respondents: M/s.Royan Law Associates for R1
R2 - Given up
Mr.J.Chandran for R3

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Appellant Transport Corporation challenging the Award dated 02.04.2009 passed by the Motor Accident Claims Tribunal cum Additional District and Sessions Court (Fast Track Court No.1), Chidambaram, in MCOP.No.876 of 2002.

2.Heard Mr.D.Venkatachalam, learned counsel for the Appellant and Mr.J.Chandran, learned counsel for the third respondent.

3.The Appellant/Transport Corporation has filed this appeal primarily on the ground that the quantum of compensation awarded by the Tribunal under the impugned Award to the first respondent is excessive. The Tribunal under the impugned Award has directed the Appellant Transport Corporation to pay the first respondent a sum of Rs.4,51,357/- together with interest and cost as detailed hereunder:

Permanent disability	-	Rs.1,62,000/-
Hospital Bill	-	Rs.1,31,864/-
Doctors' Fees	-	Rs.94,515/-
Operation expenses	-	Rs.25,000/-
X-ray bill	-	Rs.5,610/-
Scan bill	-	Rs.2,200/-
Blood Bank Bill	-	Rs.2,750/-
Medical bills	-	Rs.3,523/-
Room rental	-	Rs.14,510/-
Physiotherapy	-	Rs.1,050/-
Private medicine	-	Rs.635/-
Doctor fees	-	Rs.4,100/-
Ambulance rental	-	Rs.3,500/-

Total		Rs.4,51,357/-

4.The first respondent/claimant sustained injuries as a result of an accident caused by a bus owned by the Appellant Transport Corporation. He preferred a claim before the Motor Accident Claims Tribunal which passed an award in his favour as detailed above.

5.Before the Tribunal, the first respondent/claimant has filed 21 documents which were marked as Exs.A1 to A21 and three witnesses were examined on his side namely, the first respondent/claimant himself as PW1 and the Doctors who examined him as PW2 and PW3 respectively. On the side of the Appellant Transport Corporation, no document was filed and one witness was examined as RW1.

6.The first respondent/claimant was a contractor and aged 25 years at the time of the accident and he had claimed that he was earning Rs.8,000/- per month at the time of the accident. However, the Tribunal has fixed the same only at Rs.1,500/- per month calculated at Rs.75/- per day.

7.The respective Doctors who were examined as witnesses before the Tribunal has assessed the disability of the first respondent/claimant, for his hip injury at 30% and for his head injury at 20% respectively. In all put together, the first respondent/claimant has suffered 50% disability. The Tribunal has rightly applied the multiplier method and has assessed the disability compensation of the first respondent at Rs.1,62,000/-. Insofar as the compensation awarded by the Tribunal under various other heads as indicated earlier in this appeal, the same is a just compensation in the considered view of this Court.

8.The primary contention raised by the Appellant in this appeal is that the Tribunal ought not to have applied multiplier method in assessing the compensation. Considering the nature of injuries sustained by the first respondent/claimant which are grievous in nature having been sustained by him both on his hip as well as on his head, the Tribunal has rightly applied the multiplier method. The multiplier adopted by the Tribunal is also correct since the first respondent/claimant was aged 25 years at the time of the accident.

9.As seen from the impugned Award, the Tribunal has assessed the notional monthly income of the first respondent/claimant at Rs.1,500/- which may not be correct. However, since no appeal has been filed by the first respondent against the said assessment, this Court cannot consider whether the said assessment is correct or not, as no evidence with regard to the monthly income of the first respondent/claimant has been placed before the Tribunal nor before this Court. Taking an overall perspective of the matter, the compensation awarded by the Tribunal under the impugned Award to the first respondent/claimant, is a just compensation and there is no scope for interference by this Court.

10.For the foregoing reasons, this Court is of the considered view that there is no merit in this appeal.

11.Accordingly, the appeal shall stand dismissed. The Appellant Insurance Company is directed to deposit the entire amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% except for the period from 12.03.2003 to 17.08.2008, to the

credit of MCOP.No.876 of 2002, on the file of the Motor Accidents Claims Tribunal cum Additional District and Sessions Court (Fast Track Court No.1), Chidambaram, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount along with accrued interest lying to the credit of MCOP.No.876 of 2002 to the bank account of first respondent/claimant, through RTGS, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Motor Accidents Claims Tribunal
cum Additional District and Sessions Court
(Fast Track Court No.1), Chidambaram.

2.The Section Officer,
Vernacular Section,
Madras High Court.

+1 CC to Mr.J.Chandran, Advocate sr 26906.



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C.M.A.No.691 of 2013

MG (CO)
SP (29/10/2020)

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