IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	18.12.2020
PRONOUNCED ON	11.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.1140 of 2010
and
M.P.No.1 of 2010

Tamil Nadu State Transport
Corporation (Salem) Limited,
Represented by its,
Managing Director,
No.12, Ramakrishna Road,
Salem – 7. ... Appellant / Respondent

Vs

K.Navaneethan ... Respondent /Petitioner

PRAYER: Civil Miscellaneous Appeal filed under 173 of Motor Vehicles of 1988 against the Judgment and Decree dated 29.09.2009 and made in M.C.O.P.No.1694 of 2005, on the file of Motor Vehicles Accidents Claims Tribunal, Additional District Judge, FTC No.2, Salem and praying to set aside the same.

For Appellant : Mr.D.Venkatachalam
For Respondent : Unclaimed.

J U D G M E N T
(through Video Conference)

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 29.09.2009 made in M.C.O.P.No.1694 of 2005, on the file of Motor Vehicles Accidents Claims Tribunal, Fast Track Court No.2, Salem.

2.As per the cause list, notice on the sole respondent was returned 'unclaimed'. Affidavit of service has not filed. But anyhow, the learned Counsel for Transport Corporation submitted his arguments.

3.As per his submissions, the appeal has been filed questioning the quantum under various heads. His submission is that the tribunal had awarded higher amount of compensation under different heads and wrongly adopted the multiplier method.

4.On perusal of the award, it is found that the learned Tribunal had considered the documents such as Ex.P.2 viz., wound certificate, Ex.P.11 viz., Disability Certificate issued by PW2 who had assessed the disability as 80%. Further, the Tribunal had the opportunity to see the victim / claimant and it has been noted that the right leg of the claimant was completely amputated due to this accident. Further, the learned Tribunal had deposed that the claimant was doing Silk Jari business under the name and style of "Sri Rajalakshmi Traders" and he had earned Rs.10,000/- per month for which, he had furnished Ex.P.7 and Ex.P.10 to show his income and avocation.

5.The learned Tribunal had accepted the evidence of the claimant. Instead of accepting the avocation and income as such, the Tribunal has fixed notional income as Rs.4,000/- and disability as 80%. After deducting 1/3 of the amount towards personal expenses, the loss of income per month is calculated as Rs.2120/- x 12 and Rs.25,440/- was the amount arrived by the learned Tribunal as the loss of income per year. The age of the claimant, at the time of accident was 42 years for which the multiplier '14' was taken for calculation and the tribunal had rightly arrived at the figure of Rs.3,56,160/- as loss of income and for pain and sufferings Rs.40,000/-, for transportation Rs.10,000/-, for Extra Nourishment Rs.10,000/-, for loss of amenities in life and for damages of the Bajaj MIT vehicle, Rs.12,000/- was awarded. The medical bills issued from Sri Gokulam Hospitals, Salem was furnished by the claimant and it was accepted by the tribunal, whereby Rs.3,06,000/- is the medical bills and it was also accepted.

6.Therefore, the total amount arrived by the tribunal was Rs.7,37,160/-. Hence, nothing was found high or perverse or unreasonable in the calculation of the compensation with the quantum arrived by the tribunal is high and the said contention is rejected by this Court and the award passed by the learned Motor Accident Claims Tribunal, Salem dated 29.09.2009 is confirmed. The interest of 7.5% and proportionate costs granted by the tribunal is also accepted. Hence, nothing prevails in this appeal and accordingly, this appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

Motor Accidents Claims Tribunal,
Additional District Judge,
FTC No.2, Salem.

Copy to
The Section Officer, VR Section, High Court, Madras.

+1CC to Mr.D.Venkatachalam, Advocate, SR.No. 2006

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PVS(CO)
B.VC (23/09/2021)