



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.335 and 336 of 2016

and

CMP Nos.2529 and 2530 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.
Kumbakonam,
Trichy - 620 001.

.... Appellant in both appeals

Versus

1. Malathi ...Respondent in CMA No.335 of 2016
2. Saraswathi ...Respondent in CMA No.336 of 2016

Prayer in CMA No.335 of 2016 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 10.06.2015 made in M.C.O.P. No.7 of 2014 on the file of the Motor Accidents Claims Tribunal (Additional District Judge), Namakkal.

Prayer in CMA No.336 of 2016 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 10.06.2015 made in M.C.O.P. No.17 of 2014 on the file of the Motor Accidents Claims Tribunal (Additional District Judge), Namakkal.

For Appellant in both appeals : Mr.D.Venkatachalam

For Respondent in both appeals : Mr.M.Lokesh
for Mr.Ma.P.Thangavel

COMMON JUDGMENT

These appeals have been filed challenging the common award dated 10.06.2015 passed by the Motor Accident Claims Tribunal (District Court), Namakkal in MCOP Nos.7 and 17 of 2014.

2. Both these appeals pertain to the very same accident, which happened on 08.06.2013 caused by a bus owned by the appellant / Transport Corporation, which resulted in the



respective respondents / claimants sustaining injuries. Since, both these appeals arise out of the same accident and arise out of the same impugned award, these appeals are disposed of by a common judgment.

WEB COPY

3. Respondent in both Civil Miscellaneous Appeals preferred separate claims in MCOP Nos.7 of 2014 and 17 of 2014 before the Motor Accident Claims Tribunal (District Court), Namakkal seeking compensation of Rs.10,00,000/- and Rs.5,00,000/- respectively for the injuries sustained by them as a result of the accident.

4. The Motor Accident Claims Tribunal (District Court), Namakkal by its common award dated 10.06.2015 passed in MCOP No.7 and 17 of 2014, directed the appellant to pay the respondent in CMA No.335 of 2016 a sum of Rs.17,67,000/- and the respondent in CMA No.336 of 2016 a sum of Rs.5,73,600/- respectively.

5. The details of the compensation awarded by the Tribunal under the impugned award are as follows :-

MCOP No.7 of 2014 corresponds to CMA No.335 of 2016

Heads	Amount awarded by the Tribunal (Rs.)
Loss of earning prospects (8450 x 12 x 14 x 80%)	11,35,680
Medical bills	4,51,341
Pain and suffering	75,000
Nutrition	10,000
Transportation charges	10,000
Attender charges	10,000
Future loss of amenities	75,000
Total compensation is fixed at	1767021

MCOP No.17 of 2014 corresponds to CMA No.336 of 2016

Heads	Amount awarded by the Tribunal (Rs.)
Loss of earning prospects (6500 x 12 x 11 x 48/100)	4,11,840
Medical bills	91,757



WEB COPY

Heads	Amount awarded by the Tribunal (Rs.)
Pain and suffering	25,000
Nutrition	5,000
Transportation charges	5,000
Attender charges	10,000
Future loss of amenities	25,000
Total compensation is fixed at	5,73,597
Rounded off	5,73,600

6. The Appellant / Transport Corporation has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive. It is their case that the Tribunal has erroneously fixed the notional monthly income of the respective claimants at Rs.6,500/- and that it has also erred in adopting multiplier method.

7. Heard Mr.D.Venkatachalam, learned counsel for the appellant / Transport Corporation and Mr.M.Lokesh, learned counsel for the respondent.

8. This Court has perused and examined the impugned award as well as the materials and evidence available on record before the Tribunal.

9. Both the claimants have stated in their respective claim petitions that they were Labourers and they were earning Rs.7,000/- p.m. at the time of the accident. However, the Tribunal has fixed the notional monthly income of the respective claimants at Rs.6,500/- for an accident, which happened in the year 2013. This Court is of the considered view that the notional monthly income fixed by the Tribunal for the respective claimants at Rs.6,500/- cannot be considered to be excessive as alleged by the appellant. Hence, the same is confirmed by this Court.

10. Before the Tribunal, the respective claimants have filed documents, which were marked as Exs.P1 to P22 and witnesses were also examined on their side including eye witnesses and the Doctor (PW4), who examined them. However, on the side of the appellant / Transport Corporation excepting for examining the Driver of the bus Mr.Duraisamy as a witness (RW1), no document was filed on their side.



11. Based on the materials and evidence available on record and after giving due consideration to the nature of the injuries sustained by the respective claimants, the compensation has been assessed by the Tribunal under the impugned award. The Tribunal has also adopted the correct multiplier for the respective claimants based on their age. The medical expenses awarded to the respective claimants are also supported by medical bills, which were marked as Exhibits before the Tribunal. The Tribunal has also rightly awarded loss of future prospects. The hospitalisation of the respective claimants is also evidenced by the discharge summaries filed before the Tribunal. In both the cases, the respective claimants have sustained grievous injuries and the Tribunal has rightly fixed the permanent disability of the respective claimants only based on the medical records. Hence, this Court does not find any scope for interference with regard to the same. The overall compensation awarded by the Tribunal to the respective claimants cannot be considered to be excessive as alleged by the appellant / Transport Corporation and hence the same will have to be confirmed by this Court.

12. For the foregoing reasons this Court does not find any infirmity in the findings of the Tribunal. Therefore, there is no merit in these appeals and accordingly, the Civil Miscellaneous Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13. The appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of respective M.C.O.P. Nos.7 and 17 of 2014 respectively, on the file of the Motor Accident Claims Tribunal (District Court), Namakkal, 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 directly to the bank account of the respondent in CMA No.335 of 2016 and 336 of 2016, through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The Additional District Judge
Motor Accidents Claims Tribunal,
Namakkal.

2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai - 104.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.22971

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.22955

C.M.A.Nos.335 and 336 of 2016

SSN[co]
NSK 22/11/2021