

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NOS.3186 AND 3187 OF 2014

AND

MP NOS 1 AND 1 OF 2014

The Director of Fisheries,
Administrative Office Buildings,
Teynampet,
Chennai.

..... Appellant/
Respondent in both appeals

Versus

Senthamarai

..... Respondent/Petitioer
in CMA No.3186 of 2014

Savithiri

... Respondent/Petitioer
in CMA No.3187 of 2014

Prayer in CMA No.3186 of 2014:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 02.02.2012 passed by the Motor Accident Claims Tribunal, Chidambaram (Sub Court, Chidambaram) made in MCOP No.38 of 2011.

Prayer in CMA No.3187 of 2014 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 02.02.2012 passed by the Motor Accident Claims Tribunal, Chidambaram (Sub Court, Chidambaram) made in MCOP No.145 of 2010.

For Appellant in both appeals : Dr.S. Suriya,
Government Advocate

For Respondent in both appeals: Mr. A. Murugan

COMMON JUDGMENT
(Heard video conference)

These appeals have been filed challenging the common award dated 02.02.2012 passed by the Motor Accident Claims Tribunal, Sub Court, Chidambaram, in MCOP Nos.38 of 2011 and 145 of 2010.

2. Both these appeals pertain to the very same accident which happened on 27.10.2009 caused by a vehicle owned by the appellant 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.

3. Respondent in both Civil Miscellaneous Appeals preferred separate claims in MCOP Nos.38 of 2011 and 145 of 2010 before the Motor Accidents Claims Tribunal, Sub Court, Chidambaram, seeking compensation for Rs.6,00,000/- and 4,00,000/- respectively for the injuries sustained by them as a result of the accident. Respondent in respective CMAs are pedestrians.

4. The Tribunal, by its common award dated 02.02.2012 passed in MCOP Nos.38 of 2011 and 145 of 2010, directed the appellant to pay the respondent in CMA No.3186 of 2014 a sum of Rs.1,10,500/- and the respondent in CMA No.3187 of 2014 a sum of Rs.96,500/- respectively.

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

MCOP No.38 of 2011 corresponds to CMA No.3186 of 2014

Heads	Amount awarded by the Tribunal (Rs.)
Loss of income 4500 x 5	22500
Transportation	10000
Extra nourishment	10000
Medical expenses	4000
Attender charges and other expenses	10000
Pain and suffering	25000
Disability Rs.1,000/- x 15%	15000
Total	96500

MCOP No.145 of 2010 corresponds to CMA No. of 3187 of 2014

Heads	Amount awarded by the Tribunal (Rs.)
Loss of income 4500 x 5	22500
Transportation	10000
Extra nourishment	10000
Medical expenses	9000
Attender charges and other expenses	10000
Pain and suffering	25000
Disability Rs.1,000/- x 24%	24000
Total	110500

6. The appellant has primarily challenged the impugned award on the ground that the quantum of compensation awarded by the Tribunal to the respective respondents is excessive.

7. Heard Dr.S.Suriya, learned counsel for the appellant and Mr.A.Murugan, learned counsel for the respondent.

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

9. Before the Tribunal, the respective claimants have filed documents which were marked as Exhibits and witnesses were also examined on their side. On the side of the appellant neither any document was filed nor any witness examined before the Tribunal.

10. The accident happened in the year 2009. The Tribunal has fixed the notional monthly income of the respective claimants at Rs.4,500/-, though the respective claimants in their claim petition, have pleaded that they were Agriculturists and were earning Rs.8,000/-p.m. This Court after giving due consideration to the year of the accident is of the considered view that the assessment of the notional monthly income of the respective claimants at Rs.4,500/- cannot be considered to be excessive as alleged by the appellant. Both the claimants were injured and they were hospitalised for a period of one month, which is not disputed by the appellant, as seen from the evidence available on record and only thereafter, the Tribunal has rightly assessed the disability of the respective claimants and has rightly awarded the compensation. The overall

compensation awarded by the Tribunal to the respective respondents/ claimants is a just compensation and cannot be considered to be excessive as alleged by the appellant / .

11. 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.

12. The appellant 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.38 of 2011 and 145 of 2010 respectively, on the file of the Motor Accident Claims Tribunal, Sub Court, 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 directly to the bank account of the respondent in CMA Nos.3186 and 3187 of 2014, through RTGS, within a period of two weeks thereafter.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi2

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Chidambaram.

Copy To

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

+1cc to Mr. A. Murugan, Advocate, S.R.No.49666

+1cc to the Government Pleader, S.R.No.49867,49866

C.M.A.Nos.3186 and 3187 of 2014

GPL(CO)
PM/17/11/2021