

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.565 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram

.. Appellant/Respondent

Vs.

Venkatesan

.. Respondent/Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 seeking to set aside the judgment and decree dated 21.06.2013 made in M.C.O.P.No.274 of 2007 on the file of Motor Accident Claims Tribunal, Subordinate Judge, Gingee.

For Appellant : Mr.S.Sairaman

J U D G M E N T

(The case has been heard through video conference)

This appeal has been filed by the Transport Corporation challenging the award dated 21.06.2013, passed by the Motor Accidents Claims Tribunal, Subordinate Court, Gingee in M.C.O.P.No.274 of 2007.

2. The appellant transport corporation has challenged the award questioning the quantum of compensation awarded by the Tribunal to the respondent.

3. Heard Mr.S.Sairaman, learned counsel appearing for the appellant transport corporation. The respondent has been duly served in this appeal and his name has also been printed in the cause list today, however, there is no representation on his side.

4. The Tribunal under the impugned award directed the appellant transport corporation to pay the respondent/claimant compensation of Rs.4,80,300/- as detailed hereunder:

Sl. No.	Heads	Amount in Rs.
1.	Permanent disability (Rs.3000x12x17x65%)	3,97,800
2.	Pain and Suffering	50,000
3.	Extra Nourishment, Transport expenses & Attendant charges	20,000
4.	Medical expenses	12,487
	Total	4,80,287 Rounded of to Rs.4,80,300

5. The respondent/claimant sustained grievous injuries as a result of the accident on 06.06.2007 caused by a bus owned by the appellant transport corporation. The cause of the accident has not been disputed by the appellant in this appeal, they are disputing only the quantum of compensation awarded by the Tribunal. According to them the multiplier method ought not to have been adopted by the Tribunal for assessing the compensation payable to the respondent/claimant.

6. The respondent / claimant sustained the following injuries as a result of the accident, which are not disputed by the appellant transport corporation:

- "1) Right leg knee broken
- 2) Two fractures in the right femer bone"

7. The doctor has assessed the disability at 65% and the disability certificate has been marked as an exhibit before the Tribunal. The respondent/claimant was a carpenter and as a result of the injuries sustained by him in the accident, he was hospitalized from 07.06.2007 to 21.06.2007. The discharge summary has also been marked as exhibit before the Tribunal. Only after giving due consideration to the age, avocation and nature of injuries and period of hospitalisation, the Tribunal has adopted multiplier method for assessing the loss of earning capacity of the respondent/claimant. This Court does not find any infirmity in the findings of the Tribunal. The overall compensation awarded by the Tribunal at Rs.4,80,300/- to the respondent/claimant cannot be considered as excessive.

8. In the result, there is no merit in the appeal and accordingly this appeal is dismissed. The appellant transport corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy

of this judgment to the credit of M.C.O.P.No.274 of 2007, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Gingee. On such deposit of the compensation amount, the respondent is permitted to withdraw the award amount along with interest and costs, less the amount, if any, already withdrawn by making necessary applications before the Tribunal. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Gingee.
2. The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.50974

C.M.A.No.565 of 2014

NMI (CO)
GN(01/11/2021)