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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2914 OF 2021

AND

C.M.P.NO.16694 OF 2021

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam ...Appellant/Respondent

Vs.

Raghavan ...Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 12.03.2021 made in M.C.O.P. No.420 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore.

For Appellant : Mr.L.Ramanathan

JUDGMENT

This Appeal has been filed by the Appellant Transport Corporation challenging the impugned award dated 12.03.2021 passed by the Motor Accident Claims Tribunal, Special Sub Judge, Cuddalore in M.C.O.P. No.420 of 2016.

2. The Appellant Transport Corporation has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive. According to them, the Tribunal ought not to have adopted the multiplier method for assessing the compensation in favour of the respondent.

3. The Tribunal under the impugned award has directed the Appellant Transport Corporation to pay the respondent who sustained injuries on 24.11.2015 as a result of an accident caused by a bus owned by the Appellant Transport Corporation as detailed hereunder:



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Heads	Amount awarded by the Tribunal (Rs.)
Loss of income	8,31,600
Pain and sufferings	75,000
Medical expenses	50,000
Transportation	50,000
Extra nourishment	30,000
Total	10,36,600

4. Heard Mr.L.Ramanathan, learned counsel for the appellant /Transport Corporation and perused and examined the impugned award before the Tribunal.

5. The respondent sustained the following injuries as a result of an accident caused by the bus owned by the Appellant Transport Corporation on 24.11.2015.

- (a) both forearm fracture
- (b) left thigh fracture and
- (c) right foot fracture

6. The nature of injuries sustained by the respondent / claimant has not been disputed by the Appellant / Transport Corporation. The Medical Board has assessed the disability of the respondent at 45% as seen from the report filed by them before the Tribunal which has been marked as an Exhibit. The respondent / claimant was a Farmer and Mason and was aged 43 years. After giving due consideration to the nature of injuries sustained by the respondent/ claimant, the Tribunal has rightly adopted the multiplier method for assessing the loss of earning capacity to the respondent/ claimant. As seen from the discharge summary, which has been marked as Ex.P9 before the Tribunal, the respondent/ claimant was hospitalized.

7. This Court does not find any infirmity in the findings of the Tribunal as regards the award of compensation to the respondent / claimant by adopting the multiplier method.

8. The Tribunal has fixed the notional monthly income of the respondent / claimant at Rs.11,000/- and has adopted the correct multiplier of 14 as the deceased was aged 43 years at the time of the accident. The Tribunal has accepted the disability assessed by the Medical Board at 45% which is a whole body disability. This Court does not find any infirmity in the findings of the Tribunal.



9. The Tribunal has awarded a compensation of Rs.75,000/- towards pain and suffering, Rs.50,000/- towards medical expenses, Rs.50,000/- towards transport charges and Rs.30,000/- towards extra nourishment which cannot be considered to be excessive, after giving due consideration to the year of the accident and the nature of injuries sustained by the respondent / claimant.

10. For the foregoing reasons this Court does not find any infirmity in the findings of the Tribunal. Therefore, there is no merit in this appeal and accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11. 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 MCOP No.420 of 2016 on the file of the Motor Accidents Claims Tribunal, Special Sub Court Cuddalore, 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 / claimant through RTGS, within a period of two weeks thereafter.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ab/vsi2

To

1. The Special Sub Judge,
Motor Accident Claims Tribunal,
Cuddalore.
2. The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.Venkatachalam, Advocate, S.R.No.53076

CMA.No.2914 of 2021

and

C.M.P.No.16694 of 2021

MG (CO)
CS/22/11/2021