



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.2977 of 2019

S.Jyothi Rama Subbu

...Appellant/Petitioner

Vs.

Metropolitan Transport Corporation Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai - 2.

...Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988 against the award and decree dated 15.02.2019 made in MACT O.P.No.4916 of 2014 on the file of the Motor Accidents Claims Tribunal, (II Small Causes Court, at Chennai).

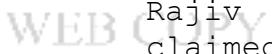
For Appellant	:Mrs.P.T.Saleem Fathima
For Respondent	:Mr.S.S.Swaminathan

JUDGMENT

[Judgment of the Court was delivered by V.SIVAGNANAM, J.]

The appellant challenges the award passed by the Motor Accident Claims Tribunal, (II Small Causes Court, at Chennai) made in MACT O.P.No.4916 of 2014 dated 15.02.2019.

2.The claimant has come up with this appeal seeking enhancement of compensation. This is the case of injury. On 05.04.2014 at about 03.00 p.m, when the claimant was travelling as pillion rider in a Two-Wheeler at GST Road, near Tansi Bus Stop from Maraimalai Nagar to Kalkarunai, a MTC bus bearing Reg.No.TN-01-N-5439 came from Tambaram to Chengalpet direction in a rash and negligent manner and hit against the claimant. In



the accident, the claimant and his friend sustained head injury, fracture at frontal and partial region at right side. Immediately, he was taken to Chengalpattu Government Hospital, where, he was given first aid and thereafter, he was shifted to Rajiv Gandhi Govt. Hospital, Chennai. Though the claimant claimed Rs.1,00,00,000/- as compensation, the Tribunal has awarded Rs.30,71,000/- together with interest at 7.5% per annum, under the following heads:-

Heads	Rs.
Earning Capacity	12,96,000/-
Pain and Suffering	2,00,000/-
Extra Nourishment	1,00,000/-
Transport to Hospital	1,75,000/-
Attender charges	2,00,000/-
Loss of Amenities	2,00,000/-
Marital Opportunities	2,00,000/-
Loss of life expectancy	2,00,000/-
Medical Expenses	2,50,000/-
Future Medical Expenses	2,50,000/-
Total	30,71,000/-

3.The learned counsel appearing for the appellant/claimant would contend that since the amount awarded by the Tribunal is meager in all the heads, the claimant is entitled for higher compensation. He would further contend that at the time of accident, the claimant was doing II year Auto Mobile Engineering at Valliammal Polytechnic. Due to head injury, he sustained disability and lost his total earning capacity. But the Tribunal without considering the age of the claimant and his educational qualification, fixed the monthly



income at Rs.10,000/-, which is meager. Hence, the appellant seeks for enhancement of compensation.

4.Per contra, the learned counsel appearing for respondent Corporation submitted that the impugned Judgment and Decree awarding the aforesaid compensation is well reasoned and it requires no interference and therefore, this Civil Miscellaneous Appeal is liable to be dismissed.

5.This Court carefully considered the submission of the learned counsel for the appellant/claimant and the learned counsel appearing for the respondent and perused the materials available on record.

6.It is not in dispute that the claimant sustained head injury in a road accident that had taken place on 05.04.2014. The finding of the Tribunal that the accident occurred due to the negligence of the driver of the Transport Corporation bus has become final and hence, it need not be adverted to in the appeal.

7.Though the learned counsel appearing for the appellant/claimant has contended that the award is meager and sought enhancement, on perusal of the records, we find that the Tribunal, on proper appreciation of evidence of P.Ws.1 to 3 has fixed the monthly income and adopting correct multiplier by following the case of Sarala Verma and others vs. Delhi Transport Corporation and another reported in 2009 TN MAC 1, awarded a just and reasonable compensation. We find no reason to interfere with the conclusion reached by the Tribunal. This appeal has no merit.

8.For the foregoing reasons, the Civil Miscellaneous Appeal fails and the same is dismissed. The respondent/Transport Corporation is directed to deposit the entire award amount with accrued 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 order. On such deposit, the claimant is permitted to withdraw the award amount less the amount already withdrawn, if any, together with proportionate interest and costs. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar



skn

To

WEB COPY

1. The Motor Accident Claims Tribunal,
II Small Causes Court, Chennai.

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

+1 CC to M/s.P.T. Saleem Fathima, Advocate sr 59074

+1 CC to Mr.S.S.Swaminathan, Advocate sr 59229.

C.M.A.No.2977 of 2019

NMI (CO)
SP(15/12/2021)