



C.M.A.No.2191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2191 of 2022

and

C.M.P.No.16990 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram. ... Appellant

vs.

P.Dinesh ... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 23.01.2021 made in M.C.O.P.No.6843 of 2014 on the file of the Motor Accident Claims Tribunal, the IV Small Causes Court, Chennai.

For Appellant : Mr.K.J.Sivakumar



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For Respondent : Mr.R.S.Anandan

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JUDGMENT

The Transport Corporation has preferred the above appeal challenging the award passed in M.C.O.P.No.6843 of 2014 by the Motor Accident Claims Tribunal, IV Small Causes Court, Chennai on the ground of quantum.

2. The parties are referred to in the same ranking as before the Tribunal.

3. The respondent herein had filed the above claim petition seeking compensation of a sum of Rs.30,00,000/- for the injuries sustained by him in the accident. The accident has been caused by the Transport Corporation bus. On 10.03.2013 at about 11.00 hours when the petitioner was travelling as a passenger in the said bus, the driver of the bus had driven the same in a rash and negligent manner and



while over taking another bus, had hit the van which came in the opposite direction. The petitioner who was sitting in the last row of the bus near the window had sustained grievous injuries. He had sustained compound fracture in right hand humerus (Shaft) right arm degloving injury, skin avulsion exposing muscle, tendon bone and also sustained multiple injury all over the body. To substantiate the injuries, he has marked Exs.P1 to P16 and the disability certificate have been marked as Exs.P21 and P22. The Tribunal below had assessed the disability at 25% and adopted multiplier method, taking into account the fact that the injuries has seriously impaired his day to day activities. The Medical Board stated that the petitioner would not be able to travel without the assistance of another person. This petitioner has sustained the following injuries:

*"Side Swipe injury in right elbow- Compound
Grade-III B Fracture in right Distal Humerus,
Proximal Ulna and Proximal Radius, Right Acromion
process fractures and Median and Ulnar Nerve Palsy."*



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4. The notional income has been fixed by the Tribunal at Rs.6,500/- on the basis of Ex.P18 salary certificate. Ultimately, a total compensation of a sum of Rs.6,88,000/- together with interest at the rate of 7.5% per annum was granted which is challenged in this appeal.

5. Heard the learned counsel on either side and perused the materials on record.

6. A mere perusal of the award would clearly show that the Tribunal has assessed the injuries taking into account the documents filed in support of the petition. The Medical Records have been perused by the Tribunal to arrive at a conclusion that the claimant has sustained injuries which resulted in a drop in his earning capacity. Therefore, the multiplier method that has been adopted is in consonance with the injuries sustained. The income has also been



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assessed only on the basis of salary certificate that has been produced and in all other heads also, the award of the Tribunal is very reasonable. Therefore, I see no reason to interfere with the well considered award of the Tribunal below.

7. In the result, this Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 23.01.2021 made in M.C.O.P.No.6843 of 2014 on the file of the Motor Accident Claims Tribunal, the IV Small Causes Court, Chennai is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2022

Index : Yes/No
Speaking / Non-speaking order
ssn

To

1. Motor Accident Claims Tribunal,
IV Small Causes Court,

5/7



Chennai



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

P.T.ASHA, J.,

ssn

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