



C.M.A.No.2253 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 17.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2253 of 2022

and

C.M.P.No.17345 of 2022

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

... Appellant/Respondent

Vs.

Manikandan

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 06.07.2019 in M.C.O.P.No.117 of 2015 on the file of the learned Principal Subordinate Judge, Motor Accidents Claims Tribunal, Vriddhachalam.



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WEB COPY For Appellant : Mr.K.J. Sivakumar

For Respondent : Mr.S.Udhayakumar

JUDGMENT

The Transport Corporation has challenged the Award passed by the learned Principal Subordinate Judge, Motor Accidents Claims Tribunal, Vriddhachalam, in M.C.O.P.No.117 of 2015 on the ground of quantum, particularly, with reference to the fact that despite granting compensation under the head of future loss of income. The amounts granted under the following heads are very high. A sum of Rs.60,000/- has been granted under the head of permanent disability . That apart, a sum of Rs.45,000/- has been awarded under the head of loss of income for a treatment period of 12 days from 19.05.2016 to 30.05.2016 and once again a sum of Rs.20,000/- has been awarded under the head of loss of discomfort and a sum of Rs.25,000/- has been granted under the head of pain and sufferings.



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2.Heard the learned counsels appearing on either side and perused the papers.

3.The grievance of the appellant/Transport Corporation appears to be justified and the future loss of income has to be calculated taking into account the disability of 20% assessed by Doctor and adopting a multiplier method. However, the Tribunal has awarded a further sum of Rs.60,000/- for permanent disability. This has to be set aside and deleted. The appellant has not shown any proof that he has been without work for five months as contended. He has suffered a fracture for which a steel rod has been implanted. Apart from that, he suffered only a abrasion. Therefore, it could be taken that he may be without work minimum of two months. Hence, a sum of Rs.45,000/- granted under this head is reduced to a sum of Rs18,000/-. Likewise, the amount granted under the head of loss of discomfort is reduced to



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a sum of Rs.10,000/-. In all other respects, the Award remains unaltered. Therefore, a total compensation now payable is a sum of Rs.4,57,300/-. Therefore, taking into consideration the above aspects, the modified amount is as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Loss of future income	Rs.3.88.800/-	Rs.3.88.800/-	Confirmed
2.	Permanent disability	Rs.60,000/-	-	Deleted
3.	Loss of income due to treatment	Rs.45,000/-	Rs.18,000/-	Reduced
4.	Pain and suffering	Rs.25,000/-	Rs.25,000/-	Confirmed
5.	Loss of discomfort	Rs.20,000/-	Rs.10,000/-	Reduced
6.	Transport charges	Rs.10,000/-	Rs.10,000/-	Confirmed
7.	Extra nourishment	Rs.5,000/-	Rs.5,000/-	Confirmed
8.	Attendant charges	Rs.500/-	Rs.500/-	Confirmed
	Total	Rs.5,54,300/-	Rs.4,57,300/-	



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4. Accordingly, this Civil Miscellaneous Appeal is partly allowed. Consequent to the dismissal of the appeal, the appellant Transport Corporation is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.117 of 2015 on the file of the learned Principal Subordinate Judge, Motor Accidents Claims Tribunal, Vriddhachalam, within a period of four weeks from the date of receipt of a copy of this order, if not deposited earlier.

5. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, by making necessary applications.

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not



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disburse the amount till such time as proof of payment of Court Fee

has been produced by the claimant. No costs. Consequently,

connected Miscellaneous Petition is closed.

17.10.2022

Index : Yes/No

Internet : Yes/No

Speaking order / Non speaking order
mps

To

The Principal Subordinate Judge,
Motor Accidents Claims Tribunal,
Vriddhachalam.



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After Judgments were pronounced in the above matter, the above Civil Miscellaneous Appeal has been posted on 19.10.2022 under the caption “for clarifications”.

2.The learned counsels appearing on either side have made their submissions.

The order does not require any further clarifications. No further orders are required in this appeal.

19.10.2022
(2/2)



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mps

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P.T.ASHA, J.,

Today when the matter has been listed under the caption "being mentioned" since in paragraph no.4 of the order dated 17.10.2022 in C.M.A.No.2253 of 2022, the year of the claim petition has been wrongly shown as 2015 instead of 2017. The same has to be corrected and is accordingly corrected.

2. The Registry is directed to issue a fresh order copy of the same.

12.10.2023



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ssa/apd