



C.M.A.No.2365 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2365 of 2022

&

C.M.P.No.18436 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(Villupuram Division I), Cuddalore Region,
Cuddalore – 607 002.

...Appellant

Vs

C.Ariyamala

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree dated 09.12.2021 made in M.C.O.P.No.255 of 2019 on the file of the Motor Accident Claims Tribunal, the Special Subordinate Judge, Cuddalore.



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For Appellant : Mr.K.J.Sivakumar
For Respondent : Mrs.Ramya V. Rao

JUDGEMENT

The Transport Corporation aggrieved by the quantum of compensation has filed the above appeal challenging the same.

2. Mrs.Ramya V. Rao, learned counsel who had entered appearance on behalf of the respondent / claimant is present before this Court and had made her submissions.

3. Heard the learned counsels and perused the records.

4. The above claim petition is filed for claiming compensation for the injuries sustained by the respondent / petitioner in a road accident



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on 05.11.2018. The petitioner would submit that she is a milk vendor, earning a sum of Rs.15,000/- and that she was aged about 45 years. A total compensation of Rs.30,00,000/- was sought by her for the injuries sustained by her. The Tribunal has granted a total compensation of Rs.22,46,000/-.

5. The Tribunal has fixed the notional monthly income at a sum of Rs.12,000/-, to which 25% has been added towards future prospects and ultimately considering the disability, the multiplier method has been adopted and the Tribunal has arrived at a compensation of Rs.17,64,000/- under the head of Loss of Income.

6. In the absence of proof, the Tribunal has erred in adopting a notional income of Rs.12,000/-. The same is therefore reduced to a sum of Rs.9,000/-, to which 25% is added towards future prospects and taking into consideration the age of the petitioner, a multiplier of 14 is



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taken and the disability of 70% assessed by the Tribunal also remains unchanged. Therefore, the amount under the head of Loss of Income would be reduced to a sum of Rs.13,23,000/-.

7. Likewise, the Tribunal has awarded a huge sum of Rs.1,50,000/- under the head of Pain and Sufferings, which is reduced to a sum of Rs.50,000/-. A sum of Rs.50,000/- granted under the head of Transportation is reduced to a sum of Rs.20,000/- and a sum of Rs.30,000/- granted under the head of Extra Nourishment is reduced to a sum of Rs.20,000/-. Further, the Tribunal has overlooked the period of treatment undergone by the petitioner, i.e., 06.11.2018 to 14.02.2019, 07.03.2019 to 17.04.2019 and 10.10.2019 to 04.12.2019. However, no amounts have been granted under the head of Attender charges, for which a sum of Rs.40,000/- is granted and a sum of Rs.50,000/- is also granted under the head of Loss of Amenities.



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8. A sum of Rs.2,01,400/- has been granted under the head of Medical Bills. Therefore, a sum of Rs.50,000/- granted separately under the head of Medical Expenses is deleted.

9. The award of the Tribunal below is re-worked as follows:

<i>Heads</i>	<i>Tribunal</i>	<i>High Court</i>
Loss of Income	Rs.17,64,000/-	Rs.13,23,000/-
Pain and Sufferings	Rs.1,50,000/-	Rs.50,000/-
Medical Expenses	Rs.50,000/-	
Transportation Charges	Rs.50,000/-	Rs.20,000/-
Extra Nourishment	Rs.30,000/-	Rs.20,000/-
Medical Bills	Rs.2,01,400/-	Rs.2,01,400 /-
Trips	Rs.6,000/-	Rs.6,000/-
Attender Charges		Rs.40,000/-
Loss of Amenities		Rs.50,000/-
Total	Rs.22,46,000/-	Rs.17,10,400/- together with interest at the rate of 7.5% p.a.



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In all other respects, the award of the Tribunal stands confirmed.

10. The appellant / Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.255 of 2019. On such deposit, the respondent / claimant is permitted to withdraw the award amount, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

01.11.2022

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Index : Yes/No

Speaking order/non-speaking order

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To,

The Motor Accident Claims Tribunal,
the Special Subordinate Judge,
Cuddalore



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P.T.ASHA, J.,

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