



C.M.A.No.2366 of 2022

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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.2366 of 2022

&

C.M.P.No.18438 of 2022

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

...Appellant

Vs

C.Sangeetha Kalaivani

... 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.254 of 2019 on the file of the Motor Accident Claims Tribunal, the Special Subordinate Judge, Cuddalore.



C.M.A.No.2366 of 2022

WEB COPY 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.



C.M.A.No.2366 of 2022

WEB COPY

4. The respondent / claimant is working in a private concern.

The respondent had claimed that she was earning a sum of Rs.20,000/- per month. However, there is no proof for the same. The Tribunal has fixed the notional income at Rs.13,000/-, to which 40% has been added towards future prospects and ultimately considering the disability multiplier method has been adopted and the Tribunal has arrived at a compensation of Rs.23,58,720/- under the head of Loss of Income.

5. The said notional income is definitely on the higher side particularly when there is no evidence let in by the respondent to show that she is employed. Therefore, the notional income has to be reduced to a sum of Rs.9,000/-. Therefore, the amount under the head of Loss of Income would be a sum of **Rs.16,32,960/-** (9000 + 40% [Rs.3600/-] = Rs.12,600/-) (**Rs.12,600/- x 12 x 18 x 60/100**).

6. Likewise, the Tribunal after granting huge amount under the



C.M.A.No.2366 of 2022

WEB COPY

head of Loss of Income has also granted a sum of Rs.1,50,000/- under the head of Pain and Sufferings. This 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 28.11.2018, 13.06.2019 to 15.06.2019 and 14.06.2019. However, no amounts have been paid under the head of Attender Charges, for which a sum of Rs.15,000/- is granted and a sum of Rs.30,000/- is also granted under the head of Loss of Amenities.

7. A sum of Rs.1,55,000/- 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.



C.M.A.No.2366 of 2022

8. 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.23,58,720/-	Rs.16,32,960/-
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.1,55,000/-	Rs.1,55,000/-
Trips	Rs.6,000/-	Rs.6,000/-
Attender Charges		Rs.15,000/-
Loss of Amenities		Rs.30,000/-
Total	Rs.27,99,720/-	Rs.19,28,960/- together with interest at the rate of 7.5% p.a.

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

9. 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



C.M.A.No.2366 of 2022

WEB COPY

copy of this Judgement, to the credit of M.C.O.P.No.254 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.

10. 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

To,

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



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C.M.A.No.2366 of 2022

P.T.ASHA, J.,

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C.M.A.No.2366 of 2022

01.11.2022

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