



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.A. (MD)No.176 of 2019

and

C.M.P. (MD)No.2311 of 2019

The State Express Transport Corporation,
Represented by its Managing Director,
Dindigul Branch. ...Appellant/2nd Respondent

Vs.

1.V.Chinnappan ...1st Respondent/Petitioner
2.Hariram ...2nd Respondent/1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988, to set aside the award and decree, dated 25.10.2018 passed in M.C.O.P.No.117 of 2017 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Dindigul.

For Appellant	:Mr.P.Prabhakaran
For R1	:Mr.D.Venkatesh
For R2	:No Appearance

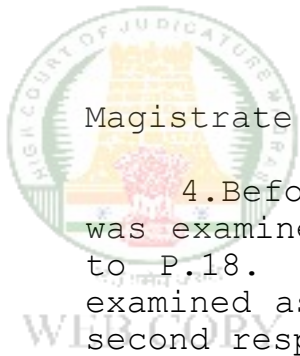
JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the award and decree, dated 25.10.2018 passed in M.C.O.P.No.117 of 2017 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Dindigul.

2.It is a case of accident, which took place on 08.03.2017, when the respondent/petitioner was waiting in the Dindigul bus stand, at about 10.15 p.m., a bus bearing Registration No.TN-01-AN-0671 came to Dindigul Bus Stand. At that time, the petitioner and other passengers tried to enter the bus rushing one another, a bus driver start a bus in a rash and negligent manner in reverse without taking precautionary measure, the petitioner fell down in front of the left tire of the appellant's bus. Due to the said accident, the respondent/petitioner sustained grievous injury.

3.The claimant has filed a petition in M.C.O.P.No.117 of 2017 on the file of the Motor Accidents Claims Tribunal/Chief Judicial

<https://hcservices.ecourts.gov.in/hcservices/>



Magistrate Court, Dindigul, seeking compensation of Rs.30,00,000/-.

4.Before the Tribunal, on the side of the claimant, one witness was examined as P.W.1 and eighteen documents were marked as Exs.P.1 to P.18. On the side of the first respondent, one witness was examined as R.W.1 and no document was marked and on the side of the second respondent, no one was examined and no document was marked.

5.The Tribunal, after considering the pleadings, oral and documentary evidences and the arguments of the counsel for the claimant and the respondents and also on appreciating the evidences on record, held that the accident occurred because of the negligence on the part of the driver of the appellant/State Express Transport Corporation and directed the appellant to pay a sum of Rs.22,57,600/- as compensation at 7.5% interest. Against which, the appellant/second respondent has filed this present appeal to set aside the award of compensation granted by the Tribunal.

6.The learned counsel appearing for the appellant contended that though the claimant has not produced any document for the proof of monthly income, the tribunal has fixed an exorbitant amount of Rs.10,000/- as monthly income. He further contended that the Tribunal has wrongly added 40% of the income towards future prospectus and also wrongly adopted '17' as multiplier and awarded Rs.17,13,600/- towards loss of income. Hence, the award granted by the Motor Accidents Claims Tribunal is liable to be modified.

7.Per contra, the learned counsel appearing for the first respondent/petitioner has contended that prior to the accident, the petitioner has been working as a Welder and earning a sum of Rs.32,000/- and also proved the income as per the income tax receipts Ex.P16. He further contended that the petitioner sustained injuries and fracture all over the body and suffered 80% of disability and the Tribunal, after considering all the circumstances available in the present petition, has rightly awarded compensation and therefore, the award passed by the Tribunal is perfectly correct and the same needs no interference.

8.Heard Mr.P.Prabhakaran, learned counsel for the appellant and Mr.D.Venkatesh, learned counsel for the first respondent. No representation for the second respondent.

9.The claimant has not filed any appeal against the award passed by the Tribunal.

10.A perusal of records, it shows that the tribunal has fixed Rs.10,000/- towards monthly income and awarded 40% towards future prospectus of the injured. Therefore, monthly income of the claimant fixed at Rs.14,000/- and hence the annual income arrived at Rs.14,000/- x 60/100 x 12 = Rs.1,00,800/-. Since the age of the claimant is 32 years, the multiplier applicable is '16'. Hence, loss of income arrived at Rs.1,00,800 x 16 = Rs.16,12,800/-. Except the



above, all other terms of the award passed by the Tribunal is confirmed.

11. Accordingly, the claimant is entitled for compensation as follows:

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	this Court	
1.	Loss of income	Rs.17,13,600/-	Rs.16,12,800/-	modified
2.	Transportation	Rs. 10,000/-	Rs. 10,000/-	Confirmed
3.	Extra nourishment	Rs. 20,000/-	Rs. 20,000/-	Confirmed
4.	Pain and sufferings	Rs. 25,000/-	Rs. 25,000/-	Confirmed
5.	Medical Expenses	Rs. 4,88,000/-	Rs. 4,88,000/-	Confirmed
6.	Damage to clothes	Rs. 1,000/-	Rs. 1,000/-	Confirmed
Total		Rs. 22,57,600/-	Rs.21,56,800/-	

with interest at 7.5% p.a., as awarded by the Tribunal, from the date of claim petition till the date of realization.

12. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed.

(ii) The award amount of Rs.22,57,600/- granted by the Motor Accidents Claims Tribunal/Chief Judicial Magistrate Court, Dindigul in M.C.O.P.No.117 of 2017, dated 25.10.2018, is hereby modified. The first respondent/petitioner is entitled to get Rs.21,56,800/- (Rupees Twenty one lakhs fifty six thousand eight hundred only) with interest at 7.5% p.a, from the date of claim petition till the date of realization.

(iii) The appellant/State Express Transport Corporation is directed to deposit the award amount within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the award amount with proportionate interests and costs. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-i)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vsd



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Motor Accidents Claims Tribunal/
Chief Judicial Magistrate Court,
Dindigul

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-116[F] dated 04/01/2022)

Judgment made in
C.M.A.(MD)No.176 of 2019
and
C.M.P.(MD)No.2311 of 2019
04.01.2022

ss (CO)
TR(02.03.2022) 4P 5C