



*C.M.A.(MD)No.351 of 2023*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 22.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**C.M.A.(MD)No.351 of 2023**

**and**

**C.M.P.(MD)No.4314 of 2023**

The Managing Director,  
Tamil Nadu State Transport Corporation,  
Pudukkottai.

...Appellant/Respondent

**Vs.**

Parthiban

...Respondent/Petitioner

**PRAYER:** This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgement and decree passed by the Motor Accident Claims Tribunal, Additional Sub Court, Pudukkottai in M.C.O.P.No.30 of 2015, dated 05.07.2021.

For Appellant : Mr.D.Sivaraman

For Respondent : No Appearance





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06.01.2015 to 10.01.2015. His four fingers on his right hand were amputated.

Hence, he filed the claim petition seeking compensation.

(ii)The respondent before the Tribunal contended that the accident had taken place only due to the negligence on the part of the rider of the motorcycle. He further contended that the rider of the two wheeler suddenly lost his control, which resulted in accident.

4.Before the Tribunal, on the side of the claimants P.W.1 and P.W.2 were examined and Ex.P1 to Ex.P15 were marked. On the side of the respondents R.W.1 was examined and Ex.R1 was marked.

5.The Tribunal on appreciation of entire evidence, found that only the driver of the offending bus was negligent in driving the bus and dashed against the motorcycle from the behind. Considering the injuries and amputation sustained by the petitioner, the Tribunal had fixed the monthly income of the deceased at Rs.6,000/-. Further, the Tribunal had also adopted multiplier method considering the nature of injuries and awarded the compensation as follows:



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| S.No. | Heads                              | Amount         |
|-------|------------------------------------|----------------|
| 1.    | Pain and sufferings and disability | Rs. 25,000/-   |
| 2.    | Transportation Expenses            | Rs. 10,000/-   |
| 3.    | Extra nourishment expenses         | Rs. 5,000/-    |
| 4.    | Attender Expenses                  | Rs. 5,000/-    |
| 5.    | Medical Expenses                   | Rs. 1,35,252/- |
| 6.    | Damages to clothing and articles   | Rs. 2,000/-    |
| 7.    | Loss of disability                 | Rs. 3,62,880   |
|       | Total                              | Rs. 5,45,132/- |

Challenging the same the present appeal is filed by the Transport Corporation. In this appeal, the negligence aspect has not been disputed, only the quantum fixed by the Tribunal is under challenge.

6.The learned counsel for the appellant would submit that only two right fingers of the petitioner were amputated. However, the Tribunal had awarded excessive compensation. Therefore, the same has to be reduced.

7.I have heard the learned counsel for the appellant and perused the materials placed on record.



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8. Admittedly, amputation of two fingers is not disputed by the appellant.

Perusal of the decree and judgment of the Tribunal shows that the Tribunal, taking note of the fact that the claimant had sustained 20% disability, had adopted cost inflation index and fixed the monthly income of the claimant at Rs.6,000/-. The petitioner is the student of 10<sup>th</sup> standard. Loss of two fingers on the right hand itself is the disability of permanent in nature. There is disfigurement in his entire life. In fact, such amputation will affect his other work also. Hence, this Court is of the view that the Tribunal had rightly awarded a sum of Rs.3,60,000/- towards disability by adopting multiplier method and the same cannot be found fault.

9. In such view of the matter, this Court is of the view that the just and reasonable compensation awarded by the Tribunal cannot be stated to be abnormal or unjust. Accordingly, this Civil Miscellaneous Appeal is dismissed and the compensation awarded by the Tribunal is hereby confirmed.

10. The Transport Corporation is directed to deposit the entire compensation as awarded by the Tribunal with interest at the rate of 7.5% from the date of petition till the date of realization to the credit of M.C.O.P.No.30 of 2015,



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on the file of the Motor Accident Claims Tribunal/Additional Sub Court, Pudukkottai within a period of one month from the date of receipt of a copy of this judgment, less the amount, if any already deposited. On such deposit, the claimant is permitted to withdraw the same, less the amount if any already withdrawn, by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

**22.06.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
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To

- 1.The Motor Accident Claims Tribunal/  
Additional Sub Court, Pudukkottai.
- 2.The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.SATHISH KUMAR, J.**

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