



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.823 of 2015

and

M.P(MD)No.1 of 2015

M/S.Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Periyamilaguparai,
Tiruchirapalli.

... Appellant/Respondent

Vs.

Chithra (Died)

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Special Sub Court, Tiruchirapalli in M.C.O.P.No.3669 of 2013 dated 13.10.2014.

For Appellant : Mr.D.Sivaraman

Respondent : Died

JUDGEMENT

The present appeal has been filed by the transport corporation challenging an award passed by the Motor Accident Claims Tribunal, Tiruchirappalli in M.C.O.P.No.3669 of 2013 primarily on the ground of quantum.

2. According to the injured claimant, she was a construction worker and receiving a monthly salary of Rs.3,250/-. Due to the rash and negligent driving of the bus belonging to the respondent transport corporation, she sustained grievous injuries all over the body including crushing of both her legs. She prayed for a sum of Rs.4,00,000/- towards compensation.

3. The transport corporation has filed a counter contending that the injured claimant was attempting to alight on a running



bus and she lost her balance and fell down and sustained injury. Therefore, the entire negligence is on the part of the injured claimant. The transport corporation had disputed the quantum of compensation as prayed for in the claim petition.

4. The tribunal after considering an F.I.R, charge sheet, oral evidence of P.W.1 and the evidence of the driver of the transport corporation, has arrived at a finding that the accident has happened only because of the negligence on the part of the driver of the transport corporation.

5. The tribunal had further found that the claimant had sustained fracture in both the legs and the tribunal relied upon Exhibit P.6 disability certificate to arrive at a finding the injured claimant has sustained partial permanent disability at 48%. After arriving at such a disability, the tribunal has proceeded to award a sum of Rs.1,75,500/- towards loss of income and a sum of Rs.10,000/- towards transport expenses and a sum of Rs.10,000/- towards extra nourishment and a sum of Rs.5,000/- towards attender charges and a sum of Rs.19,500 towards loss of income during the period of treatment and Rs.30,000/- towards pain and suffering, totally a sum of Rs.2,50,000/- was awarded by the tribunal. Challenging the said quantum of award, the present appeal has been filed.

6. According to the learned counsel appearing for the appellant, only in the case of death or functional disability, the tribunal is empowered to consider the award of compensation by applying multiplier method. However, in the present case, when the partial permanent disability is 48%, the tribunal has erroneously adopted multiplier method and arrived at a quantum of compensation at Rs.1,75,500/- under the head of loss of future income. Therefore, he contended that the invocation of multiplier method is not in accordance with law and sought to reverse the same.

7. The sole claimant has passed away and so far, steps have not been taken by the transport corporation.

8. Even assuming that a sum of Rs.3,000/- is awarded for each percentage of disability, then the total amount would be Rs.1,44,000/- and considering the fact that both the legs have been crushed and multiple fractures had happened in both the legs, the tribunal ought to have awarded a sum of Rs.30,000/- towards future medical expenses. Therefore, this Court does not find any scope to interfere in the total compensation awarded by the tribunal. In view of the above said facts, the award of the tribunal granting Rs.2,50,000/- to the injured claimant is hereby sustained. The respondent had passed away and no steps have been



initiated by the appellant to implead the legal heirs. Corriging the fact, this Court is dismissing the appeal and time is not granted to the appellant to take steps to implead the legal heirs.

9. In view of the above said observations, this Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS I)

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/07/2023

Sub Assistant Registrar(CS)

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To

- 1.The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirapalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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