



Civil Miscellaneous Appeal No.1108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1108 of 2024

and

C.M.P.No.10126 of 2024

The Managing Director,
The Tamil Nadu State Transport Corporation,
Pudukottai Zone,
Pudukottai District.

... Appellant

Vs.

Rajendran
S/o.Govindasamy

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.12.2022 passed in M.C.O.P.No.40 of 2017 by the Motor Accident Claims Tribunal, Subordinate Court, Nagapattinam.

For Appellant : Mr.C.Gauthamaraj

For Respondent : Mr.M.Lokesh

JUDGMENT

Questioning the quantum of compensation fixed by the Motor Accident Claims Tribunal, Subordinate Court, Nagapattinam, in



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M.C.O.P.No.40 of 2017, dated 23.12.2022, the transport corporation has filed the present appeal.

2. The case of the claimant is that he was travelling as a pillion rider in a two wheeler on 17.04.2016 at Nagapattinam ECR road and at about 1.10 p.m., a bus belonging to the transport corporation was driven in a rash and negligent manner and it dashed on the two wheeler, as a result of which the claimant fell down from the bus and sustained '(i) crush injury and elbow forearm, (ii) crush injury left hand and (iii) right chest - multiple rib fracture with right hemothorax'. The permanent disability was assessed by the Medical Board as 60%. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a categorical conclusion that the accident had taken place due to the rash and negligent driving of the bus belonging to the appellant transport corporation. After having come to such a conclusion, the Tribunal fixed



the total compensation at Rs.18,15,044/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Permanent disability	13,45,500/-
2.	Medical expenses	3,13,544/-
3.	Pain and sufferings	50,000/-
4.	Additional nutrition	25,000/-
5.	Transport expenses	20,000/-
6.	Attender charges	20,000/-
7.	Loss of estate	40,000/-
8.	Damage to clothing	1,000/-
	Total	18,15,044/-

The above compensation was directed to be paid with interest at 7.5% p.a.

4. The appellant transport corporation, aggrieved by the quantum of compensation awarded by the Tribunal, has filed this appeal.

5. Heard Mr.C.Gauthamaraj, learned counsel for appellant transport corporation and Mr.M.Lokesh, learned counsel for respondent.

6. This Court carefully considered the submissions made on either side and the materials available on record.



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7. This Court also carefully went through the award passed by the Tribunal.

8. In the instant case, the claimant was a fisherman, which was evident from Ex.P8. The nature of injuries that were sustained by the claimant was very serious and it caused functional disability, as a result of which, the Tribunal had applied the multiplier method. The Tribunal had fixed the notional monthly income at Rs.11,500/- and added 25% towards future prospects and thus, the total monthly income was fixed at Rs.14,375/-. The accident had taken place in the year 2016.

9. This Court does not find any illegality in the monthly income that was fixed by the Tribunal and it is very reasonable and the Tribunal has assigned reasons as to why this monthly income was fixed. This Court does not find any ground to interfere with the finding. If that is so, the manner in which the Tribunal had calculated the compensation under the head 'permanent disability' is just and proper, which does not require the interference of this Court. The compensation fixed under the other heads is also reasonable.



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In the result, this Civil Miscellaneous Appeal is dismissed. The appellant transport corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. On such deposit, the respondent/claimant is entitled to withdraw the same on due application. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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To
The Motor Accident Claims Tribunal,
Subordinate Court,
Nagapattinam.



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N.ANAND VENKATESH, J.

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