

(2006) 07 MAD CK 0224
In the Madras High Court

Tamil Nadu State Transport Corporation	APPELLANT
Vs	
Mohamed Ali	RESPONDENT

Date of Decision : 17-07-2006

Acts Referred:

Citation : (2007) 1 ACC 653

Hon'ble Judges : P. Sathasivam, J

Bench : Single Bench

Judgement

P. Sathasivam, J.—Aggrieved by the award of the Motor Accident Claims Tribunal, Tiruppur dated 17.9.1999 passed in M.C.O.P. No. 212 of 1994, Tamil Nadu State Transport Corporation (Coimbatore) Division-I has filed the above appeal.

2. In respect of grievous injuries sustained in a motor vehicle accident that took place on 11.10.1993, the respondent herein prayed for a compensation of a sum of Rs. 4 lakh. The Tribunal, after finding that the accident was caused due to the negligence of the driver of the Transport Corporation bus, passed an award for Rs. 1,20,680 with interest at the rate of 15% per annum. Questioning the same, Transport Corporation has filed the present appeal.

3. Even at the outset, learned Counsel for the appellant fairly states that they are aggrieved only with regard to quantum of compensation determined by the Tribunal. In such circumstances, there is no need to go into the finding relating to negligence. The injured/claimant was examined as P.W. 1. In his evidence, he deposed that he sustained injuries on his head, right shoulder, right hand, right hip, right leg and he was admitted in Government Hospital, Tiruppur, there he took treatment for a period of two months as in-patient. He further deposed that after the accident he is not in a position to do the same work as he was doing prior to the same and he often gets headache. Wound certificate has been marked as Ex. P-2. At the time of accident, the injured/claimant was aged about 14 years, employed in Guru Knitting, Tiruppur and he was getting an income of Rs. 1,200 per month. Ex. P-2 wound certificate shows that due to the accident the minor boy sustained four injuries out of which 1 and 2 i.e., injury on the head

and right hand are grievous in nature and injuries 3 and 4 are simple. The Doctor, who assessed his disability, was examined as P.W. 2. In his evidence, P.W. 2 deposed that he verified the injured/claimant on 20.7.1999 and he noticed all the injuries as stated in Ex. P. 1. He also noticed that there is mal union of a bone in his right leg. He further observed that the right hand is shortened than that of the left because of which he cannot do any work effectively, further, he assessed the disability of the injured/claimant to the extent of 45%. The Disability Certificate has been marked as Ex. P. 3; X-ray as Ex. P.4 and he also observed that because of the disability and considering his age being 14, the loss of earning capacity is 100%. The Tribunal accepted the loss of earning capacity of the injured/claimant as 45%. The employer of P.W. 1 was examined as P.W. 3. He also stated that P.W. 1 was being paid Rs. 1,200 per month. Taking note of the age of the injured, he being a minor, nature of injuries as discussed by P.W. 2 and Exs. P.2 and P.3, the Tribunal granted a sum of Rs. 1,03,680 towards 45% disability and future loss of income, which is quite reasonable and acceptable. Though the learned Counsel for the appellant argued that for a disability of 45% the award of Rs. 1,03,680 is on the higher side, as stated earlier, the Tribunal, taking note of young age of the injured/claimant and he has to continue the disability during his entire life-time as per the evidence of P. W. 2, granted the said amount not only for 45% disability but also for future loss of income. Accordingly, I am unable to accept the argument of the learned Counsel for the appellant. In addition to the said amount, the Tribunal has granted Rs. 15,000 towards pain and suffering and Rs. 2,000 towards nutritious food; altogether granted a sum of Rs. 1,20,680 which is reasonable and acceptable. No other argument was advanced.

4. In the light of what is stated above, I do not find any error or infirmity or ground for interference; on the other hand, the Award of the Tribunal is just and reasonable. Accordingly, the appeal fails and the same is dismissed. No costs.