

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.382 of 2010

Manikandan

... Appellant/Claimant

Versus

The Managing Director,
Tamilnadu State Transport Corporation,
Dharmapuri.

... Respondent/Respondent

This civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 13.10.2008 in M.A.C.T.O.P.No.431 of 2006 on the file of the Motor Accident Claims Tribunal, Thiruvannamalai and Additional Sub Judge.

For Appellant : Mr.F.Terry Chellaraja

For Respondent : Ms.P.Uma Maheswari
for Ms.B.Vijayalakshmi

J U D G E M E N T

The appeal has been preferred by the claimant aggrieved over the quantum of compensation of Rs.55,000/- awarded by the Tribunal for the injuries sustained by him in the accident occurred on 14.9.2005.

2. Heard Mr.F.Terry Chellaraja, learned counsel appearing for the appellant and Ms.P.Uma Maheswari, representing Ms.B.Vijayalakshmi, the learned counsel appearing for the State Transport Corporation. The claimant sustained injuries in the abdomen and spleen was ruptured. The claimant also sustained fracture in left leg. PW2-Doctor based on medical records determined 40% disability. However, the Tribunal took 30% disability and awarded a sum of Rs.40,000/- towards permanent disability. Apart from that, including loss of earning during treatment period,attender charges, Transportation expenses and towards pain and suffering, totally a sum of Rs.55,000/- was awarded by the Tribunal.

3. It is seen from the medical records that the claimant was

hospitalized nearly three times for 117 days in Chengam Government Hospital, Thiruvannamalai and Gipmer Hospital, Pondicherry. Surgeries were conducted on 21.09.2005, 28.12.2005 and 23.02.2006. Rs.40,000/- awarded towards permanent disability is too low and the same is set aside. A sum of Rs.90,000/- is awarded at the rate of Rs.3000/- for each percentage of disability. Rs.2000/- awarded towards transportation is enhanced to Rs.10000/-. Similarly, for loss of income Rs.10,000/- is awarded enhancing from Rs.4000/-. Towards attender charges only Rs.2000/- was awarded. As the claimant ought to have spent Rs.100/- per day, Rs.10,000/- is awarded towards attender charges. Towards extra nourishment only Rs.2000/- was awarded and the same is enhanced to Rs.20,000/- Similarly, Rs.5000/- was awarded towards pain and suffering and the same is enhanced to Rs.20000/-. Towards loss of amenities Rs.15,000/- is awarded. The award of the Tribunal, Rs.55,000/- is enhanced to Rs.1,75,000/- along with interest at 7.5 % per annum.

4. The appeal is partly allowed as stated above. The respondent State Transport Corporation is directed to deposit the entire modified award amount along with interest and costs after deducting the amount if any already deposited within four weeks from the date of the receipt of a copy of the order and on such deposit, the claimant is permitted to withdraw the entire modified award amount within one week thereafter. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Thiruvannamalai

Copy To

The Section Officer, V.R.Section, High Court, Madras.

+1cc to M/s.M.Malar, Advocate, S.R.No.28910

C.M.A.No.382 of 2010

KU(CO)
CA(23/07/2015)