

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

C.M.A.No.2234 of 2016

C.M.P.No.15844 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram. ... Appellant/Respondent

-vs-

Minor S.Surya ... Respondent/Petitioner
rep., by her father, Subramaniam

Civil Miscellaneous Appeal is filed against the award, dated 03.07.2015, made in M.C.O.P.No.192 of 2013, on the file of Motor Accident Claims Tribunal, (Special Sub Court to deal with MCOP Cases), Cuddalore.

For appellant : Mr.P.Paramasiva Doss

JUDGMENT

(Judgment of this Court was made by S.MANIKUMAR, J.)

Being aggrieved by the judgment and decree in M.C.O.P.No.192 of 2013, dated 03.07.2015, on the file of Motor Accident Claims Tribunal, (Special Sub Court to deal with MCOP Cases), Cuddalore, appeal has been filed with a delay of 300 days, in filing in preferring the appeal.

2. Perusal of the impugned award shows that in the accident, which occurred on 03.05.2012, involving a Transport Corporation bus, bearing Registration No.TN 21 N 1460, Minor S.Surya, school going student, aged about 14 years, sustained grievous injuries and in the result, there was amputation and that the length of right hand was only 7 inches. Though the accident had occurred on 03.05.2012, which culminated into an award on 03.07.2015, with a direction to the appellant-Transport

Corporation, to deposit the compensation amount of Rs.13,77,000/-, with interest, at the rate of 7.5% per annum, in a fixed deposit, in a Nationalised Bank at Cuddalore, to the credit of above M.C.O.P., till she attains majority or for a period of three years, whichever is longer, within a period of one month, from the date of passing of the judgment, failing which, the Transport Corporation was directed to pay penal interest, at the rate of 9% per annum, on the sum awarded, for such delayed period of deposit, so far, the appellant-Transport Corporation has not deposited the said amount, despite the fact that the injured incurred considerable medical expenses, and assessed to be permanently disabled, at 75% by the Tribunal.

3. Courts have consistently held that proceedings before the Tribunal are summary and just compensation should be paid to the victims, as expeditiously as possible. Having regard to the above, we heard Mr.P.Paramasiva Doss, learned counsel appearing for the appellant-Transport Corporation, as to whether, there is any prima facie case, for admission of the appeal.

4. At the outset, Mr.P.Paramasiva Doss, learned counsel for the appellant-Transport Corporation submitted that he is not disputing the manner, in which, the quantum of compensation is arrived at, but submitted that the judgment of the Hon'ble Supreme Court in V.Mekala v. M.Malathi reported in 2014 ACJ 1441, cannot have a universal application, in all cases, where the age of the victim is between 14 to 16 years and further submitted that the Tribunal was not right in fixing the salary of the minor girl, at Rs.6,000/-, when there was no material to substantiate the same.

5. Learned counsel for the appellant further submitted that in V.Mekala's case, the Hon'ble Supreme Court dealt with a case of the brilliant and prospective child and therefore, applied '18' multiplier, for the purpose of computing the loss of earning and that the same yardstick cannot be applied to all cases. For the abovesaid reasons, he prayed for admission of the instant appeal and consequently, issue notice to the respondents.

6. Admittedly, at the time of accident, the respondent was aged about 14 years. On behalf of minor S.Surya, her father examined himself as PW.1 and marked Ex.P1 - FIR, Ex.P2 - RC Book, Ex.P3 - Discharge slip issued by the Government General Hospital, Pondicherry, Ex.P4 - Case record issued by the Madras Medical College and Rajiv Gandhi Government General Hospital, Chennai and Ex.P5 - Treatment particulars. PW.2 is the Doctor, who examined the minor respondent, with reference to the medical records and issued the Disability Certificate, marked as Ex.P6.

7. Upon clinical and physical examination of the injured, PW.2, Doctor, has deposed that there are comminuted fractures in the right forearm in both bones; muscles and nerves have been damaged; right hand above elbow has been amputated; and again amputation has been done in the right hand; and skin grafting has been done. According to him, the length of the right hand of the minor respondent was only 7 inches and that the length of her left hand was 25 inches. PW.2, Doctor, while deposing that the minor respondent is unable to attend the day-to-day affairs, assessed the disability at 85% and issued Ex.P6 - Disability Certificate.

8. By observing that due to amputation, there is certainly a functional disability and following the decision in V.Mekala's case, the Tribunal has fixed the notional income at Rs.6,000/- per month. Though PW.2, Doctor, has assessed the extent of disablement at 85%, the Tribunal has reduced the same to 75%. No reasons have been assigned, by the Tribunal, for reduction. In V.Mekala's case, the injured girl was aged about 16 years, stated to be a brilliant student of Class XI, holding first rank in her school, suffered 70% permanent disablement and unable to walk, without crutches and thus, become permanent disabled. The Hon'ble Apex Court, fixed the notional income at Rs.6,000/- and added 50% towards future prospects. Whereas, in the instant case, the minor injured was aged 14 years and suffered 75% permanent disablement, and that the Tribunal has fixed the notional income as Rs.6,000/- per month.

9. In V.Mekala's case, the Hon'ble Apex Court awarded Rs.2,00,000/- for loss of pain and suffering and mental agony, Rs.2,00,000/- towards loss of amenities and attendant charges, Rs.3,00,000/- for loss of enjoyment of life and marriage prospects and Rs.50,000/- for cost of crutches. Comparing to the same, in the instant case, the Tribunal has awarded Rs.1,00,000/- towards pain and suffering, Rs.70,000/- towards loss of amenities and Rs.1,00,000/- for loss of enjoyment of life and marriage prospects.

10. Though Mr.P.Paramasiva Doss, learned counsel for the appellant-Transport Corporation submitted that there is no evidence that the injured, in the case on hand, was brilliant and therefore, a sum of Rs.6,000/- fixed for computing the loss of future earning, is erroneous, this Court is not inclined to accept the said contention, for the reason that every child is intelligent.

11. The Hon'ble Supreme Court in R.K.Malik v. Kiran Pal reported in 2009 (1) TNMAC 593 (SC), awarded payment of

compensation for the death of children, upto the age of 18 years, by applying different multipliers, taking a notional income of Rs.15,000/- per annum. In the reported case, the accident occurred on 18.11.1997, when a school bus, carrying school children, breaking the railing, got drowned in Yamuna river at Wazirabad Yamuna Bridge, killing 29 children. While considering the aspect, as to how, the quantum of compensation to be arrived at, by the Claims Tribunals/Courts, the Hon'ble Apex Court in R.K.Malik's case, at Paragraphs 10 to 12 and 14, held as follows:

"10. Undoubtedly, the compensation in law is paid to restore the person, who has suffered damage or loss in the same position, if the tortuous act or the breach of contract had not been committed. The law requires that the party suffering should be put in the same position, if the contract had been performed or the wrong had not been committed. The law in all such matters requires payment of adequate, reasonable and just monetary compensation.

11. In cases of motor accidents the endeavour is to put the dependents/claimants in the pre-accidental position. Compensation in cases of motor accidents, as in other matters, is paid for reparation of damages. The damages so awarded should be adequate sum of money that would put the party, who has suffered, in the same position if he had not suffered on account of the wrong. Compensation is therefore required to be paid for prospective pecuniary loss i.e. future loss of income/dependency suffered on account of the wrongful act.

12. However, no amount of compensation can restore the lost limb or the experience of pain and suffering due to loss of life. Loss of a child, life or a limb can never be eliminated or ameliorated completely. To put it simply - pecuniary damages cannot replace a human life or limb lost. Therefore, in addition to the pecuniary losses, the law recognises that payment should also be made for non-pecuniary losses on account of, loss of happiness, pain, suffering and expectancy of life, etc. The Act provides for payment of "just compensation" vide Sections 166 and 168. It is left to the Courts to decide what would be "just compensation" in facts of a case.

14. For calculating the yearly Loss of Dependency the starting point is the wages being earned by the deceased, less his personal and living expenses. This provides a basic figure. Thereafter, effect is given to the future prospects of the

deceased, inflation and general price rise that erodes value and the purchasing power of money."

Addressing the problem of quantifying the loss in the case of death of children, the Hon'ble Supreme Court, at Paragraph 15, observed as follows:

"15. The real problem that arises in the cases of death of children is that they are not earning at the time of the accident. In most of the cases they were still studying and not working. However, under no stretch of imagination it can be said that the parents, who are appellants herein, have not suffered any pecuniary loss. In fact, Loss of Dependency by its very nature is awarded for prospective or future loss. In this context, Lord Atkinson aptly observed in Taff Vale Rly. Co. v. Jenkins , (1911-13) All E.R. 160 as follows:

"In case of the death of an infant, there may have been no actual pecuniary benefit derived by its parents during the child's lifetime. But this will not necessarily bar the parents' claim and prospective loss will found a valid claim provided that the parents establish that they had a reasonable expectation of pecuniary benefit if the child had lived."

As regards assessment of non-pecuniary loss, the Hon'ble Supreme Court, at Paragraphs 19 to 23, extracted the decisions, as hereunder:

"19. The other issue is with regard to non-pecuniary compensation to the appellants-dependents on the loss of human life, loss of company, companionship, happiness, pain and suffering, loss of expectation of life etc.

20. In the Halsbury's Laws of England, 4th Edition, Vol. 12, page 446, it has been stated with regard to non-pecuniary loss as follows:

"Non-pecuniary loss: the pattern.

Damages awarded for pain and suffering and loss of amenity constitute a conventional sum which is taken to be the sum which society deems fair, fairness being interpreted by the Courts in the light of previous decisions. Thus there has been evolved a set of conventional principles providing a provisional guide to the comparative severity of different injuries, and indicating a bracket of damages into which a particular injury will currently fall. The particular circumstance of the plaintiff, including his age and any unusual deprivation he may suffer, is reflected in the actual amount of the award.

The fall in the value of money leads to a

continuing reassessment of these awards and to periodic reassessments of damages at certain key points in the pattern where the disability is readily identifiable and not subject to large variations in individual cases."

21. In the case of *Ward v. James*, (1965) 1 All E R 563, it was observed:

"Although you cannot give a man so gravely injured much for his 'lost years', you can, however, compensate him for his loss during his shortened, span, that is, during his expected 'years of survival'. You can compensate him for his loss of earnings during that time, and for the cost of treatment, nursing and attendance. But how can you compensate him for being rendered a helpless invalid? He may, owing to brain injury, be rendered unconscious for the rest of his days, or, owing to a back injury, be unable to rise from his bed. He has lost everything that makes life worthwhile. Money is no good to him. Yet Judges and juries have to do the best they can and give him what they think is fair. No wonder they find it well nigh insoluble. They are being asked to calculate. The figure is bound to be for the most part a conventional sum. The Judges have worked out a pattern, and they keep it in line with the changes in the value of money."

22. The Supreme Court in the case of *R.D.Hattangadi v. Pest Control (India) (P) Ltd.*, (1995) 1 SCC 551, at page 556, has observed as follows in para 9:

"9. Broadly speaking while fixing an amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant: (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far non-pecuniary damages are concerned, they may include (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit;

(iii) damages for the loss of expectation of life, i.e., on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life."

In this case, the Court awarded non-pecuniary special damages of Rs. 3, 00,000/- to the claimants.

23. In *Common Cause, A Registered Society v. Union of India* (1999) 6 SCC 667 @ page 738, it was observed: "128. The object of an award of damages is to give the plaintiff compensation for damage, loss or injury he has suffered. The elements of damage recognised by law are divisible into two main groups: pecuniary and non-pecuniary. While the pecuniary loss is capable of being arithmetically worked out, the non-pecuniary loss is not so calculable. Non-pecuniary loss is compensated in terms of money, not as a substitute or replacement for other money, but as a substitute, what McGregor says, is generally more important than money: it is the best that a court can do. In *Mediana*, Re87 Lord Halsbury, L.C. observed as under:

"How is anybody to measure pain and suffering in moneys counted? Nobody can suggest that you can by arithmetical calculation establish what is the exact sum of money which would represent such a thing as the pain and suffering which a person has undergone by reason of an accident.... But nevertheless the law recognises that as a topic upon which damages may be given."

After considering the judgment in *Lata Wadwa v. State of Bihar* reported in 2001 ACJ 1735 and *M.S. Grewal and another v. Deep Chand Sood and others* (2001) 8 SCC 151, at Paragraph 31, the Hon'ble Apex Court in *R.K.Malik's case* (cited supra) held as follows:

"31. A forceful submission has been made by the learned counsels appearing for the claimants-appellants that both the Tribunal as well as the High Court failed to consider the claims of the appellants with regard to the future prospects of the children. It has been submitted that the evidence with regard to the same has been ignored by the Courts below. On perusal of the evidence on record, we find merit in such submission that the Courts below have overlooked that aspect of the matter while granting compensation. It is well settled legal principle that in addition to awarding compensation for pecuniary losses, compensation must also be granted with regard to the future prospects of the children. It is

incumbent upon the Courts to consider the said aspect while awarding compensation. Reliance in this regard may be placed on the decisions rendered by this Court in General Manager, Kerala S.R.T.C., v. Susamma Thomas, (1994) 2 SCC 176; Sarla Dixit v. Balwant Yadav, (1996) 3 SCC 179; and Lata Wadhwa case (supra)."

Ultimately, the Hon'ble Supreme Court in R.K.Malik's case, awarded Rs.75,000/- towards future prospects, holding that the legal representatives of the deceased are entitled to be compensated, under the head, "future prospects".

12. Reverting to the case on hand, from the materials on record, it could be deduced that though the Tribunal has taken the notional income of the injured at Rs.6,000/- per month, there is no addition towards "future prospects". Following V.Mekala's case (cited supra), we are of the view that the Tribunal ought to have added 50% towards future prospects. Adding the same (50% of income), the amount to be taken for computation of loss of earning is Rs.9,000/- per month.

13. In Smt.Sarla Verma & Ors. v. Delhi Transport Corporation and another reported in 2009 (2) TNMAC 1 (SC), the Hon'ble Supreme Court, after considering the difference in multipliers, after considering the decisions made in General Manager, Kerala State Road Transport Corporation v. Susamma Thomas, [1994 (2) SCC 176], UP State Road Transport Corporation v. Trilok Chandra [1996 (4) SCC 362], New India Assurance Co. Ltd. v. Charlie & Anr [(2005) 10 SCC 720], at Paragraph 21, held as follows:

"21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

14. However, in the said case, there is no reference to the multiplier, applicable to the case of children, below 15 years. As per the Second Schedule to Section 163-A of the Motor Vehicles Act, for the age upto 15 years, the multiplier is '15'. Above 15 years and not 20 years, it is '16'. Above 20 years and

not exceeding 25 years, the multiplier is '17' and the above 25 years and not exceeding 30 years, it is '18'.

15. In *Lata Wadwa v. State of Bihar* reported in 2001 ACJ 1735, the Hon'ble Supreme Court, applied multiplier 15, for the age group of children below 15 years. In *R.K.Malik's case*, the multiplier applied upto the age group of children below 15 years is 15.

16. As regards the entitlement of compensation for pecuniary and non-pecuniary losses to an injured person, permanently disabled, due to the injuries, at Paragraph 19, in *Cholan Roadways Corporation Ltd., Kumbakonnam vs. Ahmed Thambi and others* reported in 2006 (4) CTC 433, a Hon'ble Full Bench of this Court held as follows:

"In order to avoid any future confusion and to bring more clarity and transparency in the award of damages, it is necessary that the Tribunal, while awarding damages, should itemise the award under each of the head namely, pecuniary losses and non-pecuniary losses. In the non-pecuniary losses and the tribunal shall consider a) pain and suffering b) loss of amenity, c) loss of expectation of life, hardship, mental stress, etc., (d) loss of prospect of marriage and under the head pecuniary losses, the tribunal shall consider loss of earning capacity and loss of future earnings as one component apart from medical and other expenses and loss of earning, if any from the date of accident till the date of trial. When loss of earning capacity is compensated as also the non-pecuniary losses under (a) to (d), permanent disability need not be separately itemised."

Loss of amenities as per the Full Bench decision of this Court in *Cholan Roadways Corporation Ltd., Kumbakonnam vs. Ahmed Thambi and others* reported in 2006 (4) CTC 433, is as follows:

"deprivation of the ordinary experiences and enjoyment of life and includes loss of the ability to walk or see, loss of a limb or its use, loss of congenial employment, loss of pride and pleasure in one's work, loss of marriage prospects and loss of sexual function",

In the case on hand, a minor child, has been deprived of participating in sports and other extra curricular activities, like any other children and that she has lost her amenities.

17. In *Govind Yadav vs. The New India Insurance Company Limited*, reported in (2011) 10 SCC 683, the Hon'ble Supreme

Court, awarded a sum of Rs.1,50,000/- for loss of amenities, and enjoyment of life, in the case of amputation, where the disability was assessed at 70%. In the said judgment, the Hon'ble Apex Court held as follows:

"10. The personal sufferings of the survivors and disabled persons are manifold. Some time they can be measured in terms of money but most of the times it is not possible to do so. If an individual is permanently disabled in an accident, the cost of his medical treatment and care is likely to be very high. In cases involving total or partial disablement, the term 'compensation' used in Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') would include not only the expenses incurred for immediate treatment, but also the amount likely to be incurred for future medical treatment/care necessary for a particular injury or disability caused by an accident. A very large number of people involved in motor accidents are pedestrians, children, women and illiterate persons. Majority of them cannot, due to sheer ignorance, poverty and other disabilities, engage competent lawyers for proving negligence of the wrongdoer in adequate measure. The insurance companies with whom the vehicles involved in the accident are insured usually have battery of lawyers on their panel. They contest the claim petitions by raising all possible technical objections for ensuring that their clients are either completely absolved or their liabilities minimized. This results in prolonging the proceedings before the Tribunal. Sometimes the delay and litigation expenses' make the award passed by the Tribunal and even by the High Court (in appeal) meaningless. It is, therefore, imperative that the officers, who preside over the Motor Accident Claims Tribunal adopt a proactive approach and ensure that the claims filed under Sections 166 of the Act are disposed of with required urgency and compensation is awarded to the victims of the accident and/or their legal representatives in adequate measure. The amount of compensation in such cases should invariably include pecuniary and non-pecuniary damages. In *R.D.Hattangadi v. Pest Control (India) Private Limited*, (1995) 1 SCC 551, this Court while dealing with a case involving claim of compensation under the Motor Vehicles Act,

1939, referred to the judgment of the Court of Appeal in Ward v. James (1965) 1 All ER 563, Halsbury's Laws of England, 4th Edition, Volume 12 (page 446) and observed:

"Broadly speaking while fixing an amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary damages and special damages. Pecuniary damages are those which the victim has actually incurred and which are capable of being calculated in terms of money; whereas non-pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may include expenses incurred by the claimant: (i) medical attendance; (ii) loss of earning of profit up to the date of trial; (iii) other material loss. So far non-pecuniary damages are concerned, they may include (i) damages for mental and physical shock, pain and suffering, already suffered or likely to be suffered in future; (ii) damages to compensate for the loss of amenities of life which may include a variety of matters i.e. on account of injury the claimant may not be able to walk, run or sit; (iii) damages for the loss of expectation of life, i.e., on account of injury the normal longevity of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life."

In the same case, the Court further observed:

"In its very nature whenever a tribunal or a court is required to fix the amount of compensation in cases of accident, it involves some guesswork, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused. But all the aforesaid elements have to be viewed with objective standards."

11. In Nizam's Institute of Medical Sciences v Prasanth S.Dhananka (2009) 6 SCC 1, the three-Judge Bench was dealing with a case arising out of the complaint filed under the Consumer Protection Act, 1986. While enhancing the compensation awarded by the National Consumer Disputes Redressal Commission from Rs.15 lakhs to Rs.1 crore, the Bench made the following observations which can appropriately be applied

for deciding the petitions filed under Section 166 of the Act:

"We must emphasise that the court has to strike a balance between the inflated and unreasonable demands of a victim and the equally untenable claim of the opposite party saying that nothing is payable. Sympathy for the victim does not, and should not, come in the way of making a correct assessment, but if a case is made out, the court must not be chary of awarding adequate compensation. The "adequate compensation" that we speak of, must to some extent, be a rule of thumb measure, and as a balance has to be struck, it would be difficult to satisfy all the parties concerned.

At the same time we often find that a person injured in an accident leaves his family in greater distress vis-a-vis a family in a case of death. In the latter case, the initial shock gives way to a feeling of resignation and acceptance, and in time, compels the family to move on. The case of an injured and disabled person is, however, more pitiable and the feeling of hurt, helplessness, despair and often destitution enures every day. The support that is needed by a severely handicapped person comes at an enormous price, physical, financial and emotional, not only on the victim but even more so on his family and attendants and the stress saps their energy and destroys their equanimity." (emphasis supplied)

12. In *Reshma Kumari v. Madan Mohan*, (2009) 13 SCC 422, this Court reiterated that the compensation awarded under the Act should be just and also identified the factors which should be kept in mind while determining the amount of compensation. The relevant portions of the judgment are extracted below:

"The compensation which is required to be determined must be just. While the claimants are required to be compensated for the loss of their dependency, the same should not be considered to be a windfall. Unjust enrichment should be discouraged. This Court cannot also lose sight of the fact that in given cases, as for example death of the only son to a mother, she can never be compensated in monetary terms. The question as to the methodology required to be applied for determination of compensation as regards

prospective loss of future earnings, however, as far as possible should be based on certain principles. A person may have a bright future prospect; he might have become eligible to promotion immediately; there might have been chances of an immediate pay revision, whereas in another (sic situation) the nature of employment was such that he might not have continued in service; his chance of promotion, having regard to the nature of employment may be distant or remote. It is, therefore, difficult for any court to lay down rigid tests which should be applied in all situations. There are divergent views. In some cases it has been suggested that some sort of hypotheses or guess work may be inevitable. That may be so.

In the Indian context several other factors should be taken into consideration including education of the dependants and the nature of job. In the wake of changed societal conditions and global scenario, future prospects may have to be taken into consideration not only having regard to the status of the employee, his educational qualification; his past performance but also other relevant factors, namely, the higher salaries and perks which are being offered by the private companies these days. In fact while determining the multiplicand this Court in *Oriental Insurance Co. Ltd. v. Jashuben* held that even dearness allowance and perks with regard thereto from which the family would have derived monthly benefit, must be taken into consideration.

One of the incidental issues which has also to be taken into consideration is inflation. Is the practice of taking inflation into consideration wholly incorrect? Unfortunately, unlike other developed countries in India there has been no scientific study. It is expected that with the rising inflation the rate of interest would go up.

In India it does not happen. It, therefore, may be a relevant factor which may be taken into consideration for determining the actual ground reality. No hard-and-fast rule, however, can be laid down therefor." (emphasis supplied)

13. In *Arvind Kumar Mishra v. New India Assurance Company Limited*, (2010) 10 SCC 254, the Court considered the plea for enhancement of

compensation made by the appellant, who was a student of final year of engineering and had suffered 70% disablement in a motor accident. After noticing factual matrix of the case, the Court observed:

"We do not intend to review in detail state of authorities in relation to assessment of all damages for personal injury. Suffice it to say that the basis of assessment of all damages for personal injury is compensation. The whole idea is to put the claimant in the same position as he was insofar as money can. Perfect compensation is hardly possible but one has to keep in mind that the victim has done no wrong; he has suffered at the hands of the wrongdoer and the court must take care to give him full and fair compensation for that he had suffered." (emphasis supplied)

14. In *Raj Kumar v. Ajay Kumar* (2011) 1 SCC 343, the Court considered some of the precedents and held:

"The provision of the Motor Vehicles Act, 1988 ("the Act" for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or the Tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned.

The heads under which compensation is awarded in personal injury cases are the following:

Pecuniary damages (Special damages)

(i) Expenses relating to treatment, hospitalisation, medicines, transportation,

nourishing food, and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.

Non-pecuniary damages (General damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage).

(vi) Loss of expectation of life (shortening of normal longevity). In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life." (emphasis supplied)

15. In our view, the principles laid down in *Arvind Kumar Mishra v. New Assurance Company Ltd.*, (supra) and *Raj Kumar v. Ajay Kumar* (supra) must be followed by all the Tribunals and the High Courts in determining the quantum of compensation payable to the victims of accident, who are disabled either permanently or temporarily. If the victim of the accident suffers permanent disability, then efforts should always be made to award adequate compensation not only for the physical injury and treatment, but also for the loss of earning and his inability to lead a normal life and enjoy amenities, which he would have enjoyed but for the disability caused due to the accident.

16. We shall now consider whether the compensation awarded to the appellant is just and reasonable or he is entitled to enhanced compensation under any of the following heads:

(i) Loss of earning and other gains due to the amputation of leg.

(ii) Loss of future earnings on account of

permanent disability.

(iii) Future medical expenses.

(iv) Compensation for pain, suffering and trauma caused due to the amputation of leg.

(v) Loss of amenities including loss of the prospects of marriage.

(vi) Loss of expectation of life."

18. In *Kishan Gopal and Another vs. Lala and others* reported in (2014) 1 SCC 244, the deceased was aged 10 years. For computing the loss of earning, the Hon'ble Apex Court, applied multiplier '15'. In the light of the above judgments, we deem it fit to apply multiplier '15' to the case on hand for computation of loss of future earning.

19. Just and reasonable compensation has to be awarded to the injured or the legal representatives of the deceased, as the case may be. Few decisions on this aspect are as follows:

(i) In *R.D.Hattangadi v. M/s.Pest Control (India) Pvt. Ltd.*, reported in AIR 1995 SC 755, the Apex Court held as follows:

"In its very nature whenever a Tribunal or a Court is required to fix the amount of compensation in cases of accident, it involves some guess work, some hypothetical consideration, some amount of sympathy linked with the nature of disability caused. But all the aforesaid elements have to be viewed with objective standards."

(ii) In yet another decision in *Divisonal Controller, KSRTC v. Mahadeva Shetty and another* reported in (2003) 7 SCC 197, in Paragraph 12, the Hon'ble Supreme Court held that,

"Broadly speaking, in the case of death the basis of compensation is loss of pecuniary benefits to the dependents of the deceased which includes pecuniary benefits to the dependents of the deceased which includes pecuniary loss, expenses etc. and loss to the estate. The object is to mitigate hardship that has been caused to the legal representatives due to the sudden demise of the deceased in the accident. Compensation awarded should not be inadequate and should neither be unreasonable, excessive, nor deficient. There can be no exact uniform rule for measuring the value of human life and the measure of damage cannot be arrived at by precise mathematical calculation; but amount recoverable depends on broad facts and circumstances of each case. It should neither be punitive against whom claim is decreed nor should it be a source of profit for the person in whose favour it is

awarded."

At Paragraph 15 of the said judgment, the Supreme Court has held that,

"Measure of damages cannot be arrived at by precise mathematical calculations. It would depend upon the particular facts and circumstances, and attending peculiar or special features, if any. Every method or mode adopted for assessing compensation has to be considered in the background of "just" compensation which is the pivotal consideration. Though by use of the expression "which appears to it to be just", a wide discretion is vested in the Tribunal, the determination has to be rational, to be done by a judicious approach and not the outcome of whims, wild guesses and arbitrariness, and non-arbitrariness. If it is not so, it cannot be just."

20. Going through the award, we are of the considered view that the compensation awarded to the injured is less. On the aspect of suo-motu enhancement, we deem it fit to consider few decisions,

(i) In National Insurance Co. Ltd., v. M.Jayagandhi reported in 2008 (1) TNMAC 177, on the question as whether in the absence of any Cross Objection, the High Court could suo moto enhance the compensation, by exercising power under Order 41, Rule 33 CPC., this Court, at Paragraphs 37 and 38, held as follows:

"37. The question arising for consideration is whether in the absence of any Cross Objection, the Appellate Court could suo motu enhance the compensation. The Appellate Court exercising power under Order 41, Rule 33, CPC could enhance the quantum of compensation even without Cross-Objection. The Courts and Tribunals have a duty to weigh various factors and quantify the amount of compensation which should be just. Reference could be made to the decision of the Supreme Court in Sheikhpura Trans. Co. Ltd. v. Northern India Transporter's Ins. Co. Ltd., 1971 ACJ 206 (SC), wherein it is held that pecuniary loss to the aggrieved party would depend upon data which cannot be ascertained accurately, but must necessarily be an estimate or even partly a conjecture. The general principle is that the pecuniary loss can be ascertained only by balancing, on the one hand, the loss to the Claimants of future pecuniary benefits and on the other any pecuniary advantage which from what-ever sources come to them by reason of the

death, i.e. the balance of loss and gain to a dependant by the death must be ascertained. The determination of the question of compensation depends on several imponderables. In the assessment of those imponderables, there is likely to be a margin of error. Broadly speaking, in the case of death, the basis of compensation is loss of pecuniary bene-fits to the dependants of the deceased which includes pecuniary loss, expenses, etc. and loss to estate. Object is to mitigate hardship that has been caused to the legal representatives due to sudden demise of the deceased in the accident. Compensation awarded should not be inadequate and should neither be unreasonable, excessive nor deficient.

38. Of course, the Claimants who are widow, minor daughter and mother have not filed any Cross-Objection. Even without a Cross-Objection, questioning the quantum, the Court could suo motu enhance compensation under Or. 41, R. 33, CPC. In this context, reference could be made to 1999 ACJ 977 [Karnataka] wherein it has been held as follows:

"(6) I am in general agreement with the basic proposition of law that has been canvassed by the appellant's learned advocate when he points out that it is a well settled principle that a party who suffers an order or a decree and does not Appeal against it or assail it would normally not be permitted at the hearing of the Appeal to try and take advantage of the situation by asking for enhancement. The issue is not that but really as to whether this situation prescribes an absolute and total bar to the Court granting a relief if in the interest of justice such a relief is an absolute must. One has to view the situation from a rather practical point of view the first of them being with regard to the very poor quality of legal assistance that is usually available in and around the M.A.C.T. and thereafter, the second aspect of the matter being that the status of the parties and their general condition themselves may be such that they are unable to agitate the matter further and the third aspect of the matter which is relevant having regard to the present case, is the possibility of certain further tragic occurrences such as deaths that may have intervened, all of which may contribute to a situation wherein the

Court finds that no Appeal or Cross-Objections have been filed. The essence of doing justice requires that compensation when awarded has got to be reasonable and fair and it has also got to be adequate having regard to the totality of the circumstances. The hearing of the Appeal involves a total review of the case and the Appeal is virtually an extension of the proceedings before the lower Court. The law is well settled with regard to one interesting aspect of the matter, namely, that the Courts do come across a few instances where instead of over-pitching the case before the Trial Court, a very modest amount is claimed and the Tribunals in these circumstances have been wrongly limiting the relief to the amount that has been claimed on the ground that even though the party is entitled to something higher, what was asked for is a lower figure. This Court had occasion to correct these orders and to lay down that the Tribunal is required to pass an order quantifying the compensation correctly irrespective of what has been claimed on the basis of the principle that it is not the amount that is claimed in that matter, insofar as if the Court has to the power to award a lesser amount, that it is equally equipped with the power to award a higher amount. It is that principle which applies with equal force to the Appeal Court and though I do not dispute that a Court would normally not permit a party to ask for enhancement unless an Appeal or Cross-Objections have been filed but there could be a very small category of cases in which the Court would make an exception, the reason being that the essence of doing justice requires that a Court will not refuse a relief only because of a technical or a procedural bar. I need to amplify here that if the technicalities are upheld, the result would be doing injustice insofar as the party will be left with a compensation lesser than what a fair evaluation entitles the party to. Again, I do not on the basis of the law as enunciated by the Courts in the decisions set out by me above, subscribe to the view that there exists any bar in the way of this Court exercising such powers. The powers do exist under Order 41, Rule 33, Civil Procedure Code and more importantly, such powers can certainly be exercised under section 151, Civil Procedure Code in the interest of justice."

Applying the above decision, in Tamil Nadu State Transport Corporation v. Vasantha and Ors. , 2006 (3) ACJ 1917: 2006 (1) TN MAC 336 Justice Arumuga perumal Adithyan has enhanced compensation, exercising power under Or. 41, R. 33, CPC and Section 151, CPC."

(ii) In Tamil Nadu State Transport Corporation v. Saroja and Ors., reported in 2008 (1) TNMAC 352, this Court has considered the same issue and answered as follows:

"6. On point:

The learned counsel for the respondents/claimants placing reliance on Order XLI, Rule 33 of C.P.C. and the various decisions emerged thereunder would pray that the compensation might be enhanced even though no cross-objection has been filed by the claimants, whereas the learned counsel for the appellant - Transport Corporation would cite the decision of the Hon'ble Apex Court in Oriental Insurance Co. Ltd. v. R. Swaminathan & Ors. , 2006 (2) ACC 701 (SC), and develop his arguments to the effect that unless there is a cross objection, the question of enhancing the compensation would not arise. Hence, it is just and necessary to refer to the decision of the Hon'ble Apex Court in Oriental Insurance Co. Ltd. v. R. Swaminathan & Ors. , 2006 (2)ACC 701 (SC). An excerpt from it would run thus:

"Apparently the first respondent claimant was satisfied with the Tribunal's Award as he did not file any Appeal there against to the High Court. Nonetheless, being aggrieved by the Single Judge's judgment, the claimant filed a Letters Patent Appeal before the Division Bench of the High Court. This Appeal was allowed and by the impugned judgment the High Court has awarded total compensation amounting to Rs.7,44,000/- under different heads with a direction for payment of inte-rest at 18% from the date of Petition. The appellant-Insurance Company is aggrieved thereby and is in Appeal before us.

The issue that arises in this case is, whether the Division Bench of the High Court was justified in increasing the compensation amount beyond the amount awarded by the Tribunal despite the fact that the Award of the Tribunal was not at all challenged by the claimant. The only reason given by the Division Bench of the High Court for doing so is:

"In this connection, we may observe that we are aware of the fact that we are enhancing the compensation even though the injured has not claimed it. But, the question is covered by catena of decisions justifying enhancement of compensation even if cases where the injured has not preferred an Appeal, provided the circumstances of the case warrants the same."

To say the least, this was a very facial way of interfering with the award when no interference was called for. We called upon the learned Counsel on both sides to show us at least one case (out of the catena of judgments referred to in the impugned judgment) in support of this proposition. Learned counsel frankly confessed that there was none. On the other hand, the learned Counsel for the appellant drew our attention the judgment of this Court in Banarsi v. Ram Phal, 2003 (2) SLT 258; 2003 (9) SCC 606, which supports the proposition that in an Appeal filed by the defendant laying challenge to the grant a smaller relief, the plaintiff as a respondent cannot seek a higher relief if he had not filed an Appeal on his own or had not taken any cross-objection. In the present Appeal it would appear that the claimant neither Appealed against the award of compensation passed by the Tribunal, nor filed any cross-objection in the First Appeal filed by the Insurance Company. Thus, we are satisfied that the Division Bench of the High Court wholly erred in increasing the compensation amount beyond the amount awarded by the Tribunal in the Appeal filed by the Insurance Company."

7. A mere perusal of the excerpt from the said decision would clearly indicate that the Hon'ble Apex Court in that decision has not laid down as a universal rule of interpretation of Order 41, Rule 33 of C.P.C. Taking into consideration, the method and manner in which the Division Bench of this Court in the Letters Patent Appeal, without citing adequate reasons and precedents, enhanced the compensation amount to an extent of Rs. 7,44,000/- with 18% interest from that of Rs. 3,00,000/- awarded by the Single Bench of the same Court, the Hon'ble Apex Court found fault with it.

8. Furthermore, the above excerpt also would reveal that without even relying upon any precedent, the Division Bench of this Court, simply enhanced the compensation and that too to the extent of double that of what the Single Judge of this Court ordered. It is also clear that when the Hon'ble Apex Court wanted a

precedent in that regard, the learned counsel for the appellant therein cited only the decision of the Hon'ble Apex Court in *Banarsi v. Ram Phal* , 2003 (2) SLT 258: 2003 (9) SCC 606. As such, in the peculiar facts and circumstances of that case, the Hon'ble Apex Court felt that the power under order 41, Rule 33 of C.P.C. invoked by the High Court and that too in a case where such an enhancement was not at all warranted, looked askance at it. It is therefore explicit that the Hon'ble Apex Court in the cited decision has not laid down the law that even in a fit case, the High Court should not invoke Order 41, Rule 33 of C.P.C. in the absence of filing cross Appeal. Furthermore under Order 41, Rule 33, there are earlier decisions of the Hon'ble Apex Court, which could be cited as under:

(i) *Municipal Board, Mount Abu v. Hari Lal* , 1988 ACJ 281.

(ii) *Dangir v. Madan Mohna* , AIR 1988 SC. 54.

(iii) *M.D. Pallavan Transport Corporation Ltd., v. Kalavathi*, 1998 (1) ACJ 151.

(iv) *State of Punjab v. Bakshish Singh* , 1998 (8) S.C.C. 222.

9. The perusal of the aforesaid Judgments of the Hon'ble Apex Court would clearly highlight that without filing cross Appeal, the respondents in the Appeal could pray for reliefs and that the High Court under Order 41, Rule 33 could grant such reliefs also. This Court in several cases adhering to the aforesaid decisions of the Hon'ble Apex Court held that under Order 41, Rule 33 of C.P.C., this Court could enhance the compensation in appropriate cases. An excerpt from the decision of this Court in *Managing Director, Thanthai Periyar Transport Corp., Villupuram v. Sundari Ammal and four Others* reported in 1999 (2) CTC 560 would run thus:

"Unfortunately, in the instant case, there is no cross-objection. Therefore, it would be essential, in this context, to consider whether this Court has got powers to enhance the amount of compensation, in the event of coming to the conclusion that the award was on the lower side, even though there is no cross-objection by the claimants.

In *Dangir v. Madan Mohan* , AIR 1988 S.C. 54 and *M.D., Pallavan Transport Corporation Ltd., v. Kalavathi* , 1998 (1) A.C.J 151, it is held that this Court has

got power to enhance the compensation, even though the claimants had not filed any cross-objection against the award seeking for higher compensation, if this Court finds that the amount awarded by the Tribunal is not just and adequate.

As pointed out by the Apex Court in *State of Punjab v. Bakshish Singh*, 1998 (8) S.C.C. 222, the reading of the provision would make it clear that the Appellate Court has got wide power to do complete justice between the parties and which enables this Court to pass such decree or order as ought to have been passed or as the nature of the case may require notwithstanding that the party in whose favour the power is sought to be exercised has not filed any Appeal or cross-objection.

The Apex Court in *Dhangir v. Madan Mohan*, A.I.R. 1988 S.C. 54, by referring Order 41, Rule 33, would make the following observation:

"The Appellate Court could exercise the power under Rule 33 even if the Appeal is only against a part of the decree of the lower Court. The Appellate Court could exercise that power in favour of all or any of the respondents although such respondent may not have filed any Appeal or objection. The sweep of the power under Rule 33 is wide enough to determine any question not only between the appellant and respondent, but also between respondent and co-respondents. The Appellate Court could pass any decree or order which ought to have been passed in the circumstances of the case. The words 'as the case may require' used in Rule 33, Order 41 have been put in wide terms to enable the Appellate Court to pass any order or decree to meet the ends of Justice. What then should be the constraint? We do not find many, we are giving any liberal interpretation. The rule itself is liberal enough. the only constraints that we could see may be these: That the parties before the lower Court should be there before the Appellate Court. The question raised must properly arise out of judgment of the lower Court. If these two requirements are there, the Appellate Court could consider any objection against any part of the judgment or decree of the lower Court. It is true that the power of the Appellate Court under S. 33 is discretionary. But, it is a proper exercise of judicial discretion to determine all questions urged in order to render complete justice between the parties. The Court should not refuse to exercise that discretion on mere

technicalities."

10. And then the Division Bench of this Court in the decision in *The Managing Director, Annai Sathya Transport Corporation Ltd., Dharmapuri v. Janardhanam and 7 others*, 2000 (2) CTC 272 placing reliance on the decision of the Hon'ble Apex Court held a similar view that without cross Appeal Order 41, Rule 33 of C.P.C. could be invoked in appropriate cases. An excerpt from it would run thus:

"At this stage, learned counsel appearing for the respondent/claimants would submit that the Tribunal has awarded interest only from the date of the Judgment and not from the date of the petition. The learned counsel for the respondents/claimants would submit that even though no Appeal has been filed by the respondents/claimants or no cross-objections have been filed by them, this Court has discretionary power by virtue of Order 41, Rule 33 of Code of Civil Procedure and also in view of the rulings of the Supreme Court in *Dhangir v. Madan Mohan*, AIR 1988 SC 54 to grant the proper relief. Of course, the Apex Court has pointed out in clear and categorical terms and the power conferred under Order 41, Rule 33 on the Appellate Court is discretionary, and then it must be used in proper case using the judicial discretion to render justice. The Apex Court in *United India Insurance Co., Ltd., v. Narendra Pandurang Kadam and others*, 1995 (1) SCC 320 has clearly laid down that the rate of interest must be awarded from the date of the petition and not from the date of the Judgment."

11. Over and above that the decision of the Hon'ble Three Judges' Bench of the Hon'ble Apex Court, in *Nagappa v. Gurudayal Singh and others*, 2003 ACJ 12: 2004 (2) TN MAC 398 (SC), could be cited here. An excerpt from it would run thus:

"Firstly, under the provisions of Motor Vehicles Act, 1988 (hereinafter referred to as 'the M.V. Act?'), there is no restriction that compensation could be awarded only up to the amount claimed by the claimant. In an appropriate case where from the evidence brought on record if Tribunal/Court considers that claimant is entitled to get more compensation than claimed, the Tribunal may pass such award. Only embargo is - it should be 'just' compensation, that is to say, it should be neither arbitrary, fanciful nor unjustifiable from the evidence. This would be clear by reference to the relevant provisions of the M.V. Act. Section 166

provides that an application for compensation arising out of an accident involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both, could be made (a) by the person who has sustained the injury; or (b) by the owner of the property; or (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be. Under the proviso to subsection (1), all the legal representatives of the deceased who have not joined as the claimants are to be impleaded as respondents to the application for compensation. Other important part of the said Section is subsection (4) which provides that "the Claims Tribunal shall treat any report of accidents forwarded to it under subsection (6) of Section 158 as an application for compensation under this Act". Hence, Claims Tribunal in appropriate case can treat the report forwarded to it as an application for compensation even though no such claim is made or no specified amount is claimed."

(iii) In *Tamil Nadu State Transport Corporation v. Pothumponnu* reported in 2010 (1) CTC 104, this Court, held as follows:

"17. Notice can be issued to the opposite parties/respondents only in case where their rights are going to be affected by way of variation/reduction. In this case, the claimants are going to be benefited. Hence, no notice is necessary in the appeal. When the Tribunal commits a mistake that too a material mistake, this Court cannot close its eyes and decide the matter mechanically. When the mistake is noticed by this Court, this Court has got power to do away with it, even while dismissing the appeal at the admission stage itself. The presence of the respondent is not a must. When there is a case for admission, the matter can be admitted and notice can be ordered. When there is no case made out for admission, the appeal deserved to be dismissed. While dismissing, the material irregularity committed by the Tribunal can be set right by awarding suitable amounts to the respondents without notice to them. The presence of the claimants or absence does not make any difference. Even if they are present and they do not bring it to the notice of this Court

about the irregularity, this Court can always remedy the same suo motu under Order XLI Rule 33 of the Code of Civil Procedure and Section 173 of the Motor Vehicles Act and invoking Articles 227 of the Constitution of India. Moreover, Sections 163 and 166 are beneficial provisions of the Motor Vehicles Act aimed at consoling and compensating the victims of the accident. This Court's approach should be humane in nature not whittled down by technicalities. The powers of the Court are wide enough to do complete justice."

21. In Mekala's case (cited supra), considering the extent of disability 70% suffered by a 16 years old girl, the Hon'ble Apex Court awarded, Rs.2,00,000/- as compensation, under the head pain and suffering and mental agony. In the case on hand, the victim is 14 years old girl, with an amputation, in the right hand. She would have undergone, severe pain and suffering at the time of accident, during the two surgeries underwent and post-operative treatment. The mere fact that she had lost her right hand at the young age, and to continue with the same, for the rest of her life time and to take assistance from others, losing her chance of participation in Sports and other cultural activities along with other children, is a great agony and suffering. Having regard to the above, we are inclined to enhance the compensation to Rs.2,00,000/- under the head pain and suffering and mental agony. In this context, we deem it fit to state, what is pain and suffering. Pain is one, which is experienced momentarily, but it may continue even for a longer period, depending upon the gravity and situs of the injury, whereas, suffering is loss of happiness, on account of the same. Pain has no difference between Rich and Raff.

22. In the instant case, a sum of Rs.70,000/- has been awarded by the Tribunal for loss of amenities. Relying on Mekala's case, we are inclined to award a sum of Rs.2,00,000/- towards loss of amenities and attendant charges.

23. For loss of marriage prospects, the Tribunal has awarded Rs.1,00,000/- as compensation. In Mekala's case, for the loss of enjoyment of life and marriage prospects, the Hon'ble Apex Court has awarded Rs.3,00,000/- whereas, in the case on hand it is Rs.1,00,000/-. Following the decision in Mekala's case, we deem it fit to enhance the same to Rs.3,00,000/-.

24. The Tribunal has awarded Rs.30,000/- under the head, medical expenses, Rs.50,000/- for transportation and other incidental expenses, Rs.30,000/- towards extra nourishment and Rs.25,000/- for future medical expenses. There is no document to

establish future medical expenses and hence, the said amount of Rs.25,000/- is reduced. Since the Tribunal has not awarded any amount towards damages to clothes, we are inclined to award a sum of Rs.2,000/- under the said head. After reworking, we are of the view that compensation due and payable, is as follows:

Loss of future earning	: Rs.12,15,000/-
Pain and suffering	: Rs. 2,00,000/-
Loss of amenities and attendant charges	: Rs. 2,00,000/-
Loss of marriage prospects	: Rs. 3,00,000/-
Medical Expenses	: Rs. 30,000/-
Transportation and other incidental expenses	: Rs. 50,000/-
Extra nourishment	: Rs. 30,000/-
Damages to Articles	: Rs. 2,000/-
Total	: Rs. 20,27,000/-

25. In the result, the compensation awarded to the injured is Rs.20,27,000/- with interest at the rate of 7.5% per annum from the date of claim, till deposit, to be made to the credit of M.C.O.P.No.192 of 2013 on the file of Motor Accident Claims Tribunal, (Special Court to deal with MCOP Cases), Cuddalore, within a period of six weeks from the date of receipt of a copy of the order. Civil Miscellaneous Appeal is disposed of accordingly.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

skm

To

The Motor Accidents Claims Tribunal,
(Special Court to deal with MCOP Cases),
Cuddalore.

+1 CC to Mr. A.N. Veswanatha Rao, Advocate Sr.No.54425

C.M.A.No.2234 of 2016

UG (CO)
MD : 17/10/2016