

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. No.2566 of 2016 &
C.M.P.No.18375 of 2016

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

Versus

Murugan ... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 14.06.2006 made in M.A.C.T.O.P.No.619/2002 on the file of the Motor Accidents Claims Tribunal, (Principal Subordinate Judge), Thiruvannamalai.

For Appellant : Mr.N.Anand

For Respondent : Mr.F.Terry Chella Raja

J U D G M E N T

Aggrieved against the impugned award in M.C.O.P.No.619 of 2002 dated 14.06.2006 passed by the Motor Accident Claims Tribunal (Principal Subordinate Judge), Thiruvannamalai, awarding a sum of Rs.45,600/- as against the claim of Rs.1 lakh for the injuries sustained by the injured/respondent Murugan, the appellant has brought this appeal, questioning the quantum of compensation.

2.Mr.F.Terry Chella Raja, learned counsel for the injured/claimant/respondent herein placing on record the judgment passed by this Court in CMA No.71 of 2016 dated 04.11.2015, filed by the very same respondent/Murugan, as appellant therein, submitted that the enhancement appeal filed by the injured/respondent was allowed and granted the total compensation of Rs.90,000/- which reads as follows:

(i)	Permanent Disability	Rs.40,000/-
(ii)	Loss of Income	Rs.10,000/-
(iii)	Pain and Sufferings	Rs.20,000/-
(iv)	Transportation, medical expenses and attender fees	Rs.10,000/-
(v)	Extra nourishment	Rs.10,000/-
	Total Compensation	Rs.90,000/-

3. Therefore, in view of allowing the appeal filed by the injured/respondent for enhancement against the same award, the present appeal filed by the Managing Director, Tamil Nadu State Transport Corporation, Vellore, questioning the quantum of compensation, is liable to be dismissed.

4. I agree with the submissions made by the learned counsel for the respondent/injured herein. Since the award was considered in CMA No.71 of 2010 dated 04.11.2015 awarding the enhancement of compensation from Rs.45,600/- to Rs.90,000/-, this appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
The Motor Accidents Claims Tribunal,
Thiruvannamalai.

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

+1cc to Mr.N.Anand, Advocate SR.68166
+1cc to Mr.M.Malar, Advocate Sr.68151

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pvs[col]
srg 11/01/2017