

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HONOURABLE MS. JUSTICE PUSHPA SATHYANARAYANA

C.M.A. No. 183 of 2017

Chitra

Appellant/Petitioner

Versus

Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai-2

Respondent/Respondent

Appeal filed under Section 173 of Motor Vehicle Accidents Claims Tribunal against the order dated 29.10.2012 made in M.C.O.P. NO 4577 of 2009 on the file of Motor Accident Claims Tribunal, (XVI Additional District & Sessions Court) Chennai.

For Appellant : Mr.K.Varatha kamaraj

For Respondent : Mr.S.S. Swaminathan

J U D G M E N T

Challenging the quantum of compensation awarded by the Claims Tribunal in M.C.O.P.No.4577 of 2009 on 29.10.2012, the Claimant has come up with this Civil Miscellaneous Appeal.

2. A perusal of the award would go to show that disability was fixed @ 35% by the Tribunal at 2,000/- per percentage and a sum of Rs.70,000/- was awarded, under the head disability. Whereas the learned counsel for the appellant contended that atleast a Sum of Rs.3,000/- per percentage can be taken.

3. A sum of Rs.3,000/- per percentage was fixed for the accidents that occurred from year 2013 and in the present case, since the accident is of the year 2009, only a sum of Rs.2,000/- per percentage is applicable. However, considering the fact that the claimant sustained fracture in the right hand, the disability was fixed at 30% and the compensation at Rs.3,000/- per percentage is fixed and compensation under the head disability was awarded at Rs.90,000/- (3,000x30)

4. By consultation of the learned counsel appearing on either side, the compensation awarded by the Tribunal under various heads are revised as follows:

Heads	Award of the tribunal	Revised Award
a) 30% disability (35x2000) (30x3000)	Rs.70,000	Rs.90,000
b) Pain & Sufferings	Rs.15,000	Rs.25,000
c)Nutrition	Rs. 3,000	Rs. 5,000
d)Transport	Rs. 2,000	Rs. 5,000
e)Medical Expenses	Rs. 1,610	Rs. 1,610
f)Loss of earnings	Rs.13,500	Rs.18,000
g) Damage	Nil	Nil
h)Loss of amenities	Nil	Rs.10,000
i) Attender Charges	Nil	Rs. 5,000
Total Award	Rs.1,05,110	Rs.1,59,610

5. In the result, this appeal is partly allowed and Award dated 29.10.2012, in M.C.O.P.No.4577 of 2009 is enhanced from Rs.1,05,110/- to Rs.1,59,610/-, which shall carry interest @ 7.5% per annum from the date of petition till the date of deposit. The Respondent- Transport Corporation is directed to deposit the enhanced award amount along with interest, if not deposited already, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the Claimant is permitted to withdraw. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The Motor Accident Claims Tribunal, (XVII Additional District & Sessions Court)
Chennai.

+1 cc to Mr.S.S.Swaminathan,advocate,sr.15171

+1 cc to Mr.K.Varadhakamaraj,advocate,sr.15081.

nm(co)
krd 28/3

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