

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.560 of 2015

C.Nagamuthu

... Appellant/Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport
Corporation, Kancheepuram

...Respondent/Respondent

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act 1988 against the judgment and decree dated 12.12.2011 made in M.C.O.P.No.90 of 2009 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Vridhachalam.

For Appellant : Mr.S.Udhayakumar
For Respondent : Mr.P.Paramasivadoss

J U D G M E N T

Challenging the quantum of compensation awarded by the Tribunal, the Claimant has come forward with this Civil Miscellaneous Appeal.

2. The Claimant Mr.Nagamuthu, aged 55 years, an agriculturist, earning a sum of Rs.10,000/- per month, met with an accident on 12.01.2009. Due to which he sustained grievous injuries. Hence, he filed a claim petition in M.C.O.P.No.90 of 2009, before the Motor Accidents Claims Tribunal, Principal Sub Court, Vridhachalam, seeking a sum of Rs.3,00,000/- as compensation.

2. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs.2,45,533/- as compensation, with interest @ 7.5% per annum from the date of

petition till the date of deposit. The break-up details of the same are as under:

Disability	-	Rs.98,000/-
Loss of income	-	Rs. 9,000/-
Pain and sufferings	-	Rs. 15,000/-
Medical Expenses	-	Rs.1,15,533/-
Attender charges	-	Rs. 3,000/-
Ambulance	-	Rs. 5,000/-

Rs.2,45,533

3. The learned counsel for the appellant would submit that the compensation awarded by the tribunal towards pain and suffering is very low is very low and compensation towards nutrition was not awarded. He would further submits that the compensation awarded by the tribunal has to be enhanced.

4. The learned counsel for the respondent would submit that the tribunal on consideration of oral and documentary evidence has awarded compensation under different heads which need not be interfered with.

5. This Court, on considering the submissions made on either side and also on perusing the materials on record is enhancing the compensation as follows:

Disability	-	Rs.98,000/-	
Loss of income	-	Rs. 9,000/-	
Pain and sufferings	-	Rs.23,000/-	(enhanced from 15,000 to Rs.23,000)
Medical expenses	-	Rs.1,15,533/-	
Attendant charges	-	Rs. 10,000/-	(enhanced from 3,000 to Rs.10,000/-)
Nutrition	-	Rs. 5,000/-	
Ambulance	-	Rs. 10,000/-	
		Rs.2,70,533/-	

6. In the result, this Civil Miscellaneous Appeal is partly allowed enhancing the compensation from Rs.2,45,533/- to Rs.2,70,533/-, with interest @ 7.5% per annum from the date of

petition till the date of deposit. The Transport Corporation is directed to deposit the enhanced award amount ,within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

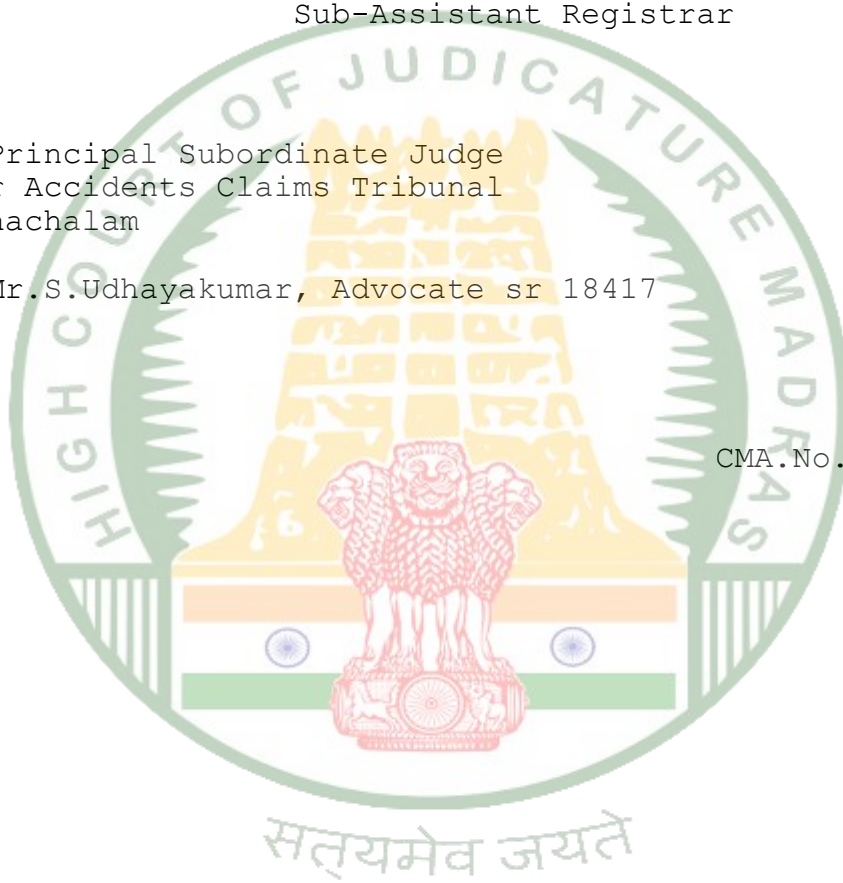
To

The Principal Subordinate Judge
Motor Accidents Claims Tribunal
Vridhachalam

+1 Cc to Mr.S.Udhayakumar, Advocate sr 18417

CMA.No.560 of 2015

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