

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.1887 of 2014

Md. Kadir

.... Appellant/Claimant

//vs//

- 1 . Andrapradesh State Road Transport Co. Ltd,
Rep. by its Managing Director,
Hyderabad,
Andrapradesh.
- 2 . Tamil Nadu State Transport Co. Ltd,
Rep. by its Managing Director,
Dharmapuri. Respondents/Respondents

This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree in M.C.O.P.No.962 of 2002 dated 18.06.2004 (M.C.O.P.No.306 of 98 on the file of the Motor Accidents Claims Tribunal, Tirupattur) on the file of the Fast Track Court, (Addl. District Court) Tirupattur.

For Appellant : Mr.N.Nallapan

For 1st Respondent : Ms. G.V.Shoba

For 2nd Respondent : Mr. S.V.Vasanthakumar

J U D G M E N T

1 . Challenging the quantum of compensation awarded by the Additional District Judge Motor Accidents Claims Tribunal, in M.C.O.P.No.962 of 2002, dated 18.06.2004, (M.C.O.P.No.306/98 on the file of Motor Accident Claims Tribunal, Tirupattur), on the file of Fast Track Court, (Addl. District Judge), Tirupattur, the claimant has come forward with this Civil Miscellaneous Appeal for enhancement of compensation.

2. The claimant Mr.Kadir, met with an accident that occurred on 03.01.1998, while he was travelling in the bus

belonging to the second respondent, due to the rash and negligent manner of the driving by the driver of the first respondent bus and driver of the second respondent bus and dashed each other and sustained grievous and multiple injuries. Hence, the claimant filed a claim petition in M.C.O.P.No.962 of 2002 seeking compensation for a sum of Rs.2,00,000/-

3. The Tribunal, on consideration of oral and documentary evidence, has awarded a sum of Rs.35,000/-, with interest @ 6% per annum from the date of petition till the date of deposit.

4. The break-up details in M.C.O.P.No.962 of 2002 are as follows:

Heads	Amount in Rs.
Loss of earning	5,000
Transport to hospital	10,000
Medical expenses	10,000
Pain and sufferings	10,000
Total	35,000

5. The learned counsel for the appellant submitted that the appellant sustained greivous and multiple injuries, as a result of which he suffers 25% permanent disability. He further submitted that due to that accident, he lost his earning to the tune of Rs.20,000/- and hence the amount under the heads of permanent disability, medical expenses and loss of earning have to be enhanced and as such, the amount of compensation awarded by the tribunal needs to be enhanced.

6. Based on the arguments put forth by the learned Counsel for the appellant and also on perusal of the records, it is clear that the appellant sustained greivous and multiple injuries all over the body and due to which, definitely, it would affect his avocation atleast for three months and hence a sum of Rs.15,000/- is fixed under the head of 'Loss of earning' and Rs.25,000/- is fixed towards 'Permanent disability' of 25%. Also, considering the treatments taken by the appellant, Rs.70,000/- is fixed towards 'Medical bills' and Rs.5,000/- is fixed towards 'Transport expenses'. As far as the compensation under 'pain and suffering' is concerned, the amount of Rs.10,000/- as fixed by the Tribunal is confirmed.

7. In fine, the quantum of compensation awarded by the Tribunal is enhanced from Rs.35,000 /- to Rs.1,25,00/-, as follows:

Heads	Amount in Rs.
Loss of earning	15,000
Permanent disability	25,000
Transport to hospital	5,000
Medical expenses	70,000
Pain and sufferings	10,000
Total	1,25,000

8. In the result, this Civil Miscellaneous Appeal is partly allowed by enhancing the Award of Compensation from Rs.35,000/- to Rs.1,25,000/- with interest @ 7.5% per annum from the date of petition till the date of deposit. The respondents are directed to deposit the enhanced Award amount along with interest into the credit of M.C.O.P.No.962 of 2002, dated 18.06.2004 within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is entitled to withdraw the same forthwith. No costs.

-s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

To

- 1 . Additional District Judge,
Fast Track Court,
(Additional District Court)
Tirupattur, Vellore District.
- 2 . The Managing Director,
Andrapradesh State Road Transport Co. Ltd,
Hyderabad, Andrapradesh.
3. The Managing Director,
Tamil Nadu State Transport Co. Ltd.,
Dharmapuri.

Copy to

The Section Officer
VR Section, High Court, Madras

+1 CC to Mr. S. V. Vasantha kumar, Advocate sr 18497
+1 CC to Mr. G.V. Shoba, Advocate sr 18555
+1 CC to Mr. N. Nallapan, Advocate sr 19176

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SSI (CO)
sp/17/4



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