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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A(MD)No.1041 of 2016

M.Sekar

... Appellant/Petitioner

Vs.

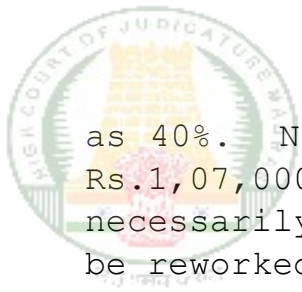
1. The Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai.
2. K.Chellamuthu
(Dismissed against this respondent)
3. The Branch Manager,
National Insurance Company,
West pragathsanam Road, Raaby Plaza,
Karur.
(Dismissed against this Respondent) ... Respondents/Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the fair and decretal order dated 21.04.2010 in M.C.O.P.No.2319 of 2004 on the file of the Additional District Court/Fast Track Court No.1 (Motor Accident Claims Tribunal), Madurai.

For Appellant	:Mr.B.A.Muruganantham
For R-1	:Mr.P.Prabhakaran
R-2 & R-3	:Dismissed (against the respondent vide in EB)

JUDGMENT

The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him. The claimant was a street vendor. He suffered injuries on the left femur. He was an
<https://hcmjstc.cemts.gov.in/freeservices> about 27 days. He incurred a sum of Rs.1,09,161/- towards medical treatment alone. The doctor assessed his disability



as 40%. Notwithstanding all this the Tribunal had awarded a sum of Rs.1,07,000/- alone. I am of the view that this has to be necessarily enhanced. The compensation payable to the claimant can be reworked as under:-

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S1.No	Heads	Amount in Rupees
1.	Disability compensation	Rs.82,000/-
2.	For Medical Expenses	Rs.1,10,000/-
3.	For extra nourishment	Rs.5,000/-
4.	For transportation	Rs.5,000/-
5.	For Attender Charges	Rs.5,000/-
6.	Pain and sufferings	Rs.10,000/-
7.	Loss of income	Rs.12,000/-
	Total	Rs.2,29,000/-

2. Therefore, the compensation awarded by the Tribunal is enhanced from Rs.1,07,000/- to Rs.2,29,000/-. The first respondent Transport Corporation is directed to deposit the entire compensation amount of Rs.2,29,000/- (Rupees Two lakhs and Twenty Nine thousand only) with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application, before the Tribunal.

3. The award dated 21.04.2010 in M.C.O.P.No.2319 of 2004 on the file of the Additional District Court/Fast Track Court (Motor Accident Claims Tribunal), Madurai, is modified accordingly. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)



To
The Additional District Judge,
The Additional District Court/Fast Track Court No.1,
(The Motor Accident Claims Tribunal),
Madurai.

Copy to:-

The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to Mr.P.PRABHAKARAN, Advocate in SR.No.93478

KMI

RJ/SKN/RSK/SAR-4/30/07/2018 - 3P/5C

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