



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.111 of 2015

Chandrasekaran

... Appellant/Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation,
Chennimalai Road,
Erode Town,
Erode District.

... Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to enhance the award passed in M.C.O.P.No.86 of 2012 dated 16.04.2013 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate Court, Dindigul.

For Appellant : Mr.S.M.Mohan Gandhi

For Respondents : Mr.D.Sivaraman

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has preferred this appeal seeking enhancement.

3.The claimant was aged 25 years when the accident took place on 02.02.2011. He suffered amputation on his right leg. Though the doctor assessed the disability at 70%, the Tribunal awarded only a sum of Rs.1,36,000/- in all. The claimant is an agricultural coolie. Though the claimant in his memo of grounds contended that multiplier method should be adopted, the value of appeal is restricted to Rs.3,00,000/-. Therefore, the compensation payable to the claimant has to be reworked as under:

For disability at 70% - Rs.3000x70	= Rs.2,10,000
For Medical expenses	= Rs. 15,000
For fixing artificial leg	= Rs.1,00,000
For pain and sufferings	= Rs.1,00,000



For Extra nourishment	= Rs. 11,000
Total	= Rs.4,36,000

Thus, in all, the compensation payable to the claimant is enhanced from Rs.1,36,000/- to Rs.4,36,000/- and the award passed in M.C.O.P.No.86 of 2012 dated 16.04.2013 on the file of the Motor Accident Claim Tribunal/Chief Judicial Magistrate Court, Dindigul is modified.

4.The Transport Corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum and costs, from the date of petition till 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 On such deposit, the claimant is entitled to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.Motor Accident Claim Tribunal/
Chief Judicial Magistrate Court,
Dindigul.

2.The Record Keeper,V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.SIVARAMAN,Advocate,SR.84737

+1cc to Mr.M.MOHAN GANDHI,Advocate,SR.84890

C.M.A. (MD) No.111 of 2015
01.11.2017

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KK/MR/SAR 1/22.01.2018/ 2P- 6C/