



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.1166 of 2016

Jeyaneelan

... Appellant

Vs.

Tamil Nadu State Express Transport Corporation,
Represented by the Managing Director,
Pallavan Salai,
Chennai - 2.

... Respondent

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgement and decree dated 27.06.2002, made in M.C.O.P.No.33 of 2001, on the file of Motor Accidents Claims Tribunal, Additional District Judge / Chief Judicial Magistrate, Thanjavur, at Kumbakonam.

For Appellant	: Mr.S.Siva Thilakar
For Respondent	: Mr.P.Prabakaran for Mr.P.Manoharan

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of the compensation awarded to him.

3.The claimant suffered injury in the chest. It was a case of bone fracture. He was an inpatient in a Government hospital for six days. The Doctor assessed the disability suffered by him at 32%.

4.Therefore, a sum of Rs.32,000 can be awarded towards disability compensation. A sum of Rs.3,000/- can be awarded towards attender charges. For extra nourishment a sum of Rs.5,000/- can be awarded and for pain and suffering a sum of Rs.10,000/- can be awarded.

5.Therefore the compensation payable to the claimant will have to be enhanced from Rs.23,900/- to Rs.50,000/-. There was a delay in preferring this appeal. The claimant is not entitled to any interest for the delay occasioned in filing this appeal.



District Judge / Chief Judicial Magistrate, Thanjavur, at Kumbakonam, is modified accordingly.

7.The Respondent/Corporation is directed to deposit the compensation amount of Rs.50,000/- with interest at 7.5% per annum and cost from the date of petition till the date of realization within a period of eight weeks from the date of receipt of a copy of this judgment, less the interest amount for the delay period and 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 On such deposit, the claimant is entitled to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

8.This Civil Miscellaneous is partly allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Additional District Judge /
Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Thanjavur at Kumbakonam

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 91703

+1cc to M/S.S.Siva Thilakar, Advocate SR.No. 91718

C.M.A. (MD) .No.1166 of 2016

08.12.2017

tsg/lis

JM/CVC/SAR 2/01.03.2018/2P/6C