



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.147 of 2015

1.P.Gandhimathi
2.P.Prabha
3.P.Brindha
4.P.Maya
5.K.Vellaiammal

... Appellants/Claimants

vs

Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai.

... Respondent/Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, to modify the award passed in M.C.O.P.No.702 of 1998 dated 09.02.2011 passed by the Fast Track Court (Motor Accident Claims Tribunal), No.1, Madurai and awarding compensation for the remaining Rs.4,00,000/- out of the claim of Rs.7 Lakhs after deduction Rs.3,00,000/- awarded by the Tribunal: Award interest at the rate of 9% per annum from the date of the petition till the realization of the award.

For Appellants
For Respondent

: Mr.B.A.Muruganantham
: No Appearance

JUDGMENT

Heard the learned counsel on either side.

2.The claimants have filed this appeal seeking enhancement of the compensation awarded to them.

3.The husband of the first appellant met with an accident on 05.11.1995. After suffering from the said accident, he had taken treatment in various hospitals. Ultimately, he passed away on 15.05.2003. In support of their contention that Palanichamy took treatment in various hospitals, Exs.P5 to Exs.P20 were marked. P.W.3 Dr.Jeyabalachandran was also examined. Even though the genuineness of the said exhibits are not under challenge, the Tribunal awarded a lumpsum amount of Rs.3,00,000/- alone. It is claimed that the claimants incurred an expenditure of Rs.4,14,000/- towards medical expenses. There is no justification in awarding the entire claim of Rs.4,14,000/- under the head of medical expenses. I propose to award damages under the said head at Rs.3,14,000/-. Secondly, it is seen that interest was awarded only from the date of



award. It is not correct. Interest ought to be awarded from the date of petition till the date of realization. Interest has to be enhanced to 7.5% interest. Thus the award passed by the Tribunal is modified on these three counts.

4. Therefore the compensation payable to the appellant can be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	Medical expenditure	Rs.3,14,000/-
2.	Loss of consortium	Rs.1,00,000/-
3.	Loss of love and affection	Rs. 25,000/-
4.	Pain and suffering	Rs. 50,000/-
5.	Transportation charges	Rs. 6,000/-
6.	Attendant charges	Rs. 5,000/-
	Total=	Rs.5,00,000/-

5. Therefore, the compensation award amount is enhanced from Rs.3,00,000/- to Rs.5,00,000/-. The respondent is directed to pay the award amount of Rs.5,00,000/- at 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. The claimants are permitted to withdraw the entire amount as apportioned by the Tribunal, less the amount already withdrawn by him, if any. The award made in M.C.O.P.No.702 of 1998 dated 09.02.2011 on the file of the Fast Track Court (Motor Accident Claims Tribunal), No.1, Madurai is modified accordingly. This Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Fast Track Court
(Motor Accident Claims Tribunal), No.1, Madurai.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

Copy To:-

The Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road, Madurai.

+ 1 CC TO Mr.B.A.MURUGANANTHAM, ADVOCATE IN SR No. 84341
TSG

TE/JC/SAB-1 : 11/12/2017 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

JUDGMENT MADE IN
C.M.A. (MD) No.147 of 2015
30.10.2017