



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2017

CORAM:

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THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A (MD) No.302 of 2016

Minor Aenock Ignescius
through his power agent and mother
Immaculete

... Appellant/Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi, Sivagangai District.

... Respondent/Respondent

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the impugned order passed by the Motor Vehicle Accident Claims Tribunal, Ramanathapuram in M.C.O.P.No.30 of 2012, dated 15.07.2015.

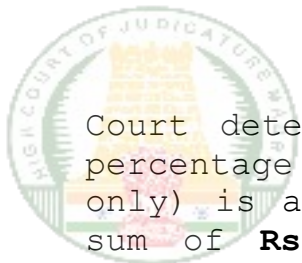
For Appellant : Mr.H.Velavadhas
For Respondent : Mr.P.Prabakaran

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the claimant against the award of Rs.1,82,964.50 (Rupees One Lakh Eight Two Thousand Nine Hundred and Sixty Four and paise Fifty only) for the head injuries sustained by him in the accident occurred on 03.05.2012.

2. Heard Mr.H.Velavadhas, learned Counsel appearing for the appellant and Mr.P.Prabakaran, learned Counsel appearing for the respondent.

3. It is admitted that the claimant sustained injuries in the accident as proved by PW.4-Doctor. It is evident from the medical records that the claimant was hospitalized from 03.05.2012 to 14.05.2012 for the injuries. As evident from PW.13-Discharge summary. Thereafter, he has been taking treatment as Out-patient as proved by Ex.14. A C.T. scan was also taken as per Ex.P.15. PW.4-Doctor categorically stated because of the head injuries, the claimant is getting headache, giddiness and also loss of memory and hence, the Tribunal determined the disability at 32%. The Tribunal did not grant any amount taking into consideration 11% as the highest disability, determined by the Doctor, even though including the others heads, totally, determined the disability at 32%. This



Court determined the disability at 11% and awards Rs.3,000/- per percentage and accordingly, **Rs.33,000/-** (Rupees Thirty Three Thousand only) is awarded. As per Exs.P7 and P8, the Tribunal awarded a sum of **Rs.1,61,964.50** towards medical expenses and the same is confirmed.

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4. A sum of **Rs.5,000/-** (Rupees Five Thousand only) awarded by the Tribunal towards attendance charges is confirmed and a sum of Rs.5,000/- (Rupees Five Thousand only) awarded by the Tribunal towards extra-nourishment is too low and the same is enhanced to **Rs.20,000/-** (Rupees Twenty Five Thousand only).

5. A sum of Rs.10,000/- (Rupees Ten Thousand only) awarded by the Tribunal towards pain and sufferings is very low and the same is enhanced to **Rs.25,000/-** (Rupees Twenty Five Thousand only).

6. No amount was awarded by the Tribunal towards transportation charges and hence, this Court awards a sum of **Rs.5,000/-** (Rupees Five Thousand only). A sum of **Rs.1,000/-** (Rupees One Thousand only) awarded by the Tribunal towards loss of articles is confirmed.

7. The award amount of Rs.1,82,964.50 is enhanced to Rs.2,50,964.50 (Rupees Two Lakhs Fifty Thousand Nine Hundred and Sixty Four and fifty paise only) and rounded off to **Rs.2,51,000/-** (Rupees Two Lakhs Fifty One Thousand Only).

8. In the result,

(i) this Civil Miscellaneous Appeal is allowed.

(ii) The appellant/claimant is entitled to a sum of **Rs.2,51,000/-** (Rupees Two Lakhs and Fifty One Thousand only) along with the interest at the rate of 7.5% per annum from the date of petition till date of realisation and also proportionate costs.

(iii) The respondent/Transport Corporation is directed to deposit the entire award amount as per the order of this Court along with interest and costs to the credit of M.C.O.P.No.30 of 2012 on the file of the Motor Accident Claims Tribunal, Ramanathapuram, less the amount already deposited, if any, within a period of **six weeks** from the date of receipt of a copy of this judgment;

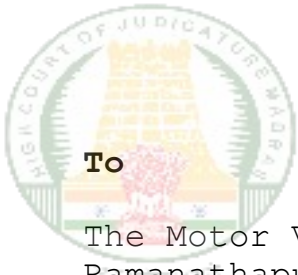
(iv) On such deposit, the Tribunal is directed to transfer the amount to the claimant through his personal Savings Bank Account Number through *RTGS/NEFT* system within a period of **two weeks** thereafter.

(vi) The appellant/claimant is directed to pay the additional Court Fees, if any, within a period of **two weeks** from the date of receipt of a copy of this judgment.

(vii) In the facts and circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)



To

The Motor Vehicle Accident Claims Tribunal,
Ramanathapuram.

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+ 1 CC TO Mr.H.VELAVADHAS, ADVOCATE IN SR No. 9304
+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 9094

GSR

TE/PM-PN : 14/03/2017 : 3P/4C

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17.02.2017