

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 03.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A.(MD)No.504 of 2015****WEB COPY**

T.Gopi

... Appellant/Petitioner

Vs.

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

... Respondent/Respondent

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.10 of 2012 on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, dated 29.10.2012.

For Appellant

: Mr.T.Selvakumaran

For Respondent

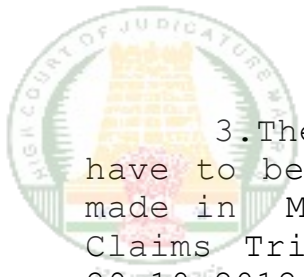
: Mr.P.Prabakaran

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation amount awarded by the Tribunal. The injured claimant has suffered fracture in his right leg. The doctor assessed his disability at 48%. But the doctor who gave the treatment was not examined. Therefore, the disability has to be considered only as 43%. Therefore the compensation payable to him will be at Rs.1,29,000/- under that head. For pain and suffering Rs.20,000/- can be awarded. The compensation payable to the claimant will have to be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	For loss of Income for the treatment period (5 months)	Rs. 20,000/-
2.	For 48% Disability	Rs. 1,29,000/-
3.	For medical Bills	Rs. 1,24,947/-
4.	For pain and Suffering	Rs. 20,000/-
5.	For transport Expenses	Rs. 3,000/-
6.	For extra Nourishment	Rs. 4,000/-
7.	For attendant Charges	Rs. 5,000/-
Total=		Rs. 3,05,947/-



3. Therefore the compensation payable to the claimant will have to be enhanced from Rs.2,62,947 to Rs.3,05,947/-. The award made in M.C.O.P.No.10 of 2012 on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, dated 29.10.2012 is modified accordingly.

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4. The respondent is directed to deposit the entire compensation amount of Rs.3,05,947/- with interest at the rate of 7.5% per annum with costs, 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 order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal/
(Chief Judicial Magistrate), Tirunelveli.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Prabakaran, Advocate Sr.No.85231

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.85291

TSG

VB/SV/MMS/SAR4/29/12/2017/2P/5C

C.M.A. (MD) No.504 of 2015
03.11.2017