



## 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.527 of 2015

Selvam

... Appellant

Vs.

State Express Transport Corporation Ltd.,  
Through its Managing Director,  
Pallavan Salai,  
Chennai.

... 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.97 of 2012 on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, dated 24.11.2012.

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. Though 48% disability is pleaded, the doctor who gave the treatment was not examined. Therefore the disability will have to be taken as 43%. The compensation payable to the claimant will have to be reworked as under:-

| Sl.No  | Heads                                          | Amount in Rupees      |
|--------|------------------------------------------------|-----------------------|
| 1.     | Damages for partial permanent disability       | Rs. 1,29,000/-        |
| 2.     | For loss of Income during the treatment period | Rs. 40,000/-          |
| 3.     | For pain and suffering                         | Rs. 30,000/-          |
| 4.     | For medical Expenses                           | Rs. 46,483/-          |
| 5.     | For transport Expenses                         | Rs. 3,000/-           |
| 6.     | For extra Nourishment                          | Rs. 4,000/-           |
| 7.     | For attendant Charges                          | Rs. 5,000/-           |
| Total= |                                                | <b>Rs. 2,57,483/-</b> |

3.Therefore the compensation payable to the claimant will have



to be enhanced from Rs.1,74,483/- to Rs.2,57,483/- The award made in M.C.O.P.No.97 of 2012, on the file of the Motor Accidents Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, dated 24.11.2012 is modified accordingly.

4.The respondent is directed to deposit the entire compensation amount of Rs.2,57,483/- 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(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,  
Motor Accidents Claims Tribunal  
Tirunelveli.

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

+1cc to M/s.P.PRABHAKARAN Advocate in SR. No. 85229

+1cc to Mr.T.SELVAKUMARAN Advocate in SR. No. 85293

TSG

JS/SV.MMS/SAR.3/23.11.2017/2P-5C

**C.M.A. (MD) No.527 of 2015**

**03.11.2017**