

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2050 of 2009

A.Thulasi

.. Appellant

.Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division-3,
Kanchipuram.

.. Respondent

This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to set aside the fair and decretal order dated 28.01.2008 made in M.C.O.P.No.5776 of 2003 on the file of the Motor Accident Claims Tribunal (II Judge, Court of Small Causes) Chennai.

For Appellant : Mrs.Ramya. V.Rao

For Respondent : Mr.S.V.Vasantha Kumar

JUDGMENT

By the present appeal, the appellant seeks for enhancement to the compensation awarded by the impugned fair and decretal order dated 28.01.2008, passed by the Motor Accident Claims Tribunal Chennai, (II Judge, Small Causes Court) Chennai n M.C.O.P No.5776 of 2003. For brevity hereinafter referred to as the Tribunal and the impugned order respectively.

2. The appellant filed a claim petition before the Tribunal . By the impugned order, the Tribunal has awarded a sum of Rs.3,33,375/- together with interest at 7.5% from the date of the claim petition to the appellant-claimant. By this appeal, The appellant sought for enhancement of compensation to Rs.10,00,000/-. The details of the amount awarded by the Tribunal are as under-

1	Permanent disability	Rs. 70,000/-
2	Pain and suffering	Rs. 20,000/-
3	Transportation	Rs. 2,000/-
4	Extra nourishment	Rs. 3,000/-
5	Damages to cloth	Rs. 1,000/-
6	Medical bills	Rs.1,45,375/-
7	Future medical bills	Rs. 20,000/-
8	Loss of income for treatment period	Rs. 72,000/-
9	Total	Rs.3,33,375/-

3. On 15.02.2002, at about 12.50 hrs., while the appellant was travelling as a passenger in the State Transport Corporation bus bearing Reg.No.TN.21-N-0614 and was proceeding from Chennai to Kanchipuram, the driver drove bus in a rash and negligent manner and applied sudden brake due to which, the appellant was thrown out from the bus. Due to the impact, the appellant suffered grievous injuries.

4. Though the appellant had originally claimed a sum of Rs.22,70,000/- and restricted the same to Rs.10,00,000/- in the appeal. The claim was further restricted to Rs.5,37,375/- as follows:

1	Permanent disability	Rs.1,40,000/-
2	Pain and suffering	Rs. 50,000/-
3	Transportation	Rs. 10,000/-
4	Extra nourishment	Rs. 10,000/-
5	Medical bills	Rs.1,45,375/-
6	Future medical bills	Rs. 50,000/-

1	Permanent disability	Rs.1,40,000/-
7	Loss of income for treatment period	Rs. 72,000/-
8	Attender charges	Rs. 10,000/-
9	Loss of amenities	Rs. 50,000/-
	Total	Rs.5,37,375/-

5.The learned counsel for the appellant has prayed for compensation to be enhanced to Rs.5,37,375/-and has filed a Memo of calculation in support of the same. The parties have also agreed for the same and the memo is hereby recorded.

6. Accordingly, this civil miscellaneous appeal is partly allowed by awarding a sum of Rs.5,37,375/- together with interest at the rate of 7.5% p.a.from the date of claim. The respondent/Transport Corporation is directed to remit the balance amount of Rs.2,04,400/- [Rs.5,37,375 - 3,33,375] together with interest as 7.5% p.a.from the date of claim within a period of eight weeks from the date of receipt of a copy of this order. The appellant is entitled to receive the aforesaid amount together with any other amount lying unclaimed in his favour.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal
(II Judge, Court of Small Causes) Chennai.

+1cc to Mr.A.N.Viswanatha Rao, Advocate SR.No.47352

+1cc to Mr.S.V.Vasanthakumar, Advocate SR.No.46902

C.M.A.No.2050 of 2009

GMV (17/09/2018)