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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1389 of 2018

T.Sounthari

...Appellant/Claimant

Vs

1. Arul

2. The Managing Director,
Tamilnadu State Corporation Limited,
Chennimalai Road,
Erode.

...Respondents/Respondents

Prayer:

Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 07.04.2018 made in M.C.O.P.No.1303 of 2013 on the file of Motor Accidents Claims Tribunal, I Additional District Court, Tiruppur.

For Appellant : Mr.S.Kaithamalaikumaran

For R2 : Mr.K.J.Sivakumar

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant/claimant seeking enhancement of compensation granted by the Tribunal in the award dated 07.04.2018 made in M.C.O.P.No.1303 of 2013 on the file of Motor Accidents Claims Tribunal, I Additional District Court, Tiruppur.

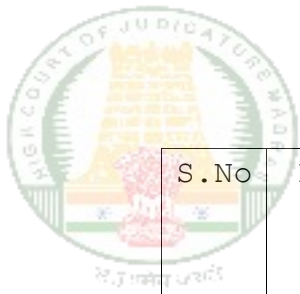
2.The appellant is claimant in M.C.O.P.No.1303 of 2013 on the file of Motor Accidents Claims Tribunal, I Additional District Court, Thiruppur. She filed the above claim petition claiming a sum of Rs.15,00,000/- as compensation for the injuries sustained by her in the accident that took place on 03.09.2013. The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the 1st respondent/driver of the bus belonging to the 2nd respondent/Transport Corporation and directed the 2nd respondent/Transport Corporation to pay a sum of Rs.4,01,000/- as compensation to the appellant. Not being



3. The learned counsel appearing for the appellant/claimant contended that the Tribunal has reduced the percentage of disability assessed by the Doctor without any reason. The Tribunal ought to have applied multiplier method for granting compensation towards loss of earning. The amounts awarded by the Tribunal towards pain and suffering, extra nourishment and attendant charges are meagre. The Tribunal has not awarded any amount towards loss of income during treatment period and prayed for enhancement of compensation.

5. Heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the 2nd respondent/Transport Corporation and perused the materials available on record.

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S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	1,35,000	1,65,000	Enhanced
2.	Pain and suffering	25,000	25,000	Confirmed
3.	Medical expenses	2,11,000	2,11,000	Confirmed
4.	Attendant Charges	10,000	10,000	Confirmed
5.	Transportation	10,000	10,000	Confirmed
6.	Extra nourishment	10,000	10,000	Confirmed
	Total	4,01,000	4,31,000	Enhanced by Rs.30,000/-

7. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.4,01,000/- is hereby enhanced to Rs.4,31,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant/claimant is directed to pay necessary Court fee, if any, on the enhanced compensation. The 2nd respondent/Transport Corporation is directed to deposit the enhanced award amount now determined by this Court along with interest and costs, less the amount already deposited if any, within a period of twelve weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. I Additional District Judge
Motor Accident Claims Tribunal
Tiruppur.

2. The Section Officer
V.R.Section, High Court, Chennai.

+lcc to Mr.S.Kaithamalaikumaran, Advocate, S.R.No.12773

+lcc to Mr.K.J.Sivakumar, Advocate, S.R.No.12711

C.M.A.No.1389 of 2018

RSK(CO)
CS/01/08/2019