

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.1230 of 2016

Ruban

.. Appellant/Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kanchipuram - 631 502.

.. Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 12.01.2016 made in M.C.O.P.No.7035 of 2014, on the file of Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mrs.A.Subadra
For M/s.M.Malar

For Respondent : Mr.K.J.Sivakumar

J U D G M E N T

The quantum of compensation awarded by the Tribunal is sought to be enhanced in the present appeal.

2. The accident occurred on 24.10.2014 at about 10.10 hours at G.S.T. Road, Tambaram, opposite to Hindu Mission Hospital. The appellant/claimant sustained injuries in right leg foot fracture, left leg deep injuries and multiple injuries all over the body. The Doctor assessed the partial permanent disability as 40%. The injuries are not so grievous causing any permanent disability. Thus the Tribunal considered the nature of the injury as well as the treatment undergone by the appellant/claimant and fixed the disability as 10%.

3. This Court is of the considered opinion that the claimant at the time of accident was aged about 21 years and he was a young person at that point of time. Taking note of the fact that he was working as document writer in the Register Office, Tambaram and was aged about 21 years at the time of accident, the disability compensation is to be enhanced. The claimant

sustained fracture of calaneum in the right foot and head injury. Thus fixing 10% for head injury is less and this Court is inclined to increase the percentage of partial permanent disability from 10% to 20%, in view of the fact that the appellant/claimant sustained head injury. Accordingly, 20% disability is fixed. The quantum of compensation is enhanced to Rs.4,000/- per percentage and thus the claimant is entitled to get a sum of Rs.80,000/- i.e., 20% x Rs.4,000/- = Rs.80,000/- towards disability compensation. In respect of all other heads the compensation granted by the Tribunal stands confirmed. Accordingly, the compensation is increased as under:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability (20% x Rs.4,000/-)	30,000/-	80,000/-	Enhanced
2.	Pain and Sufferings	20,000/-	20,000/-	Confirmed
3.	Extra Nourishment	5,000/-	5,000/-	Confirmed
4.	Transport to Hospital	2,500/-	2,500/-	Confirmed
5.	Damages to Clothes	1,000/-	1,000/-	Confirmed
6.	Attender Charges	250/-	250/-	Confirmed
7.	Medical Expenses	2,800/-	2,800/-	Confirmed
8.	Loss of Income	6,500/-	6,500/-	Confirmed
9.	Loss of Amenities	5,000/-	5,000/-	Confirmed
	Total	73,050/-	1,23,050/-	Enhanced to Rs.1,23,050/-

4. Thus the total compensation payable to the appellant/claimant is Rs.1,23,050/-. The respondent/Tamilnadu State Transport Corporation Ltd. Is directed to deposit the entire award amount including the enhanced amount along with interest at the rate of 7.5% per annum, if not already deposited, within a period of six weeks from the date of receipt of copy of this judgment and on such deposit, the claimant is permitted to withdraw the said amount by filing appropriate application and the payments are to be made only through RTGS.

5. Accordingly, the Judgment and Decree dated 12.01.2016 passed in M.C.O.P.No.7035 of 2014 is set aside and C.M.A.No.1230 of 2016 stands allowed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi

To

1.The IV Judge,
Court of Small Causes
(Motor Accidents Claims Tribunal),
Chennai.

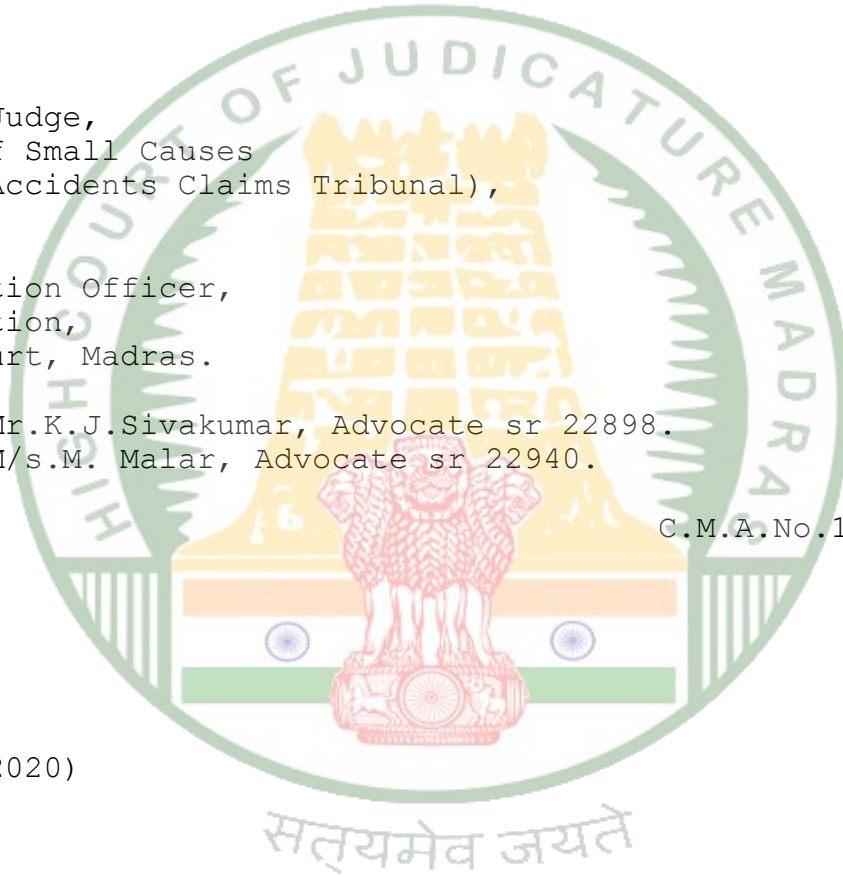
2.The Section Officer,
V.R Section,
High Court, Madras.

+1 Cc to Mr.K.J.Sivakumar, Advocate sr 22898.

+1 CC to M/s.M. Malar, Advocate sr 22940.

C.M.A.No.1230 of 2016

SAI (CO)
SP(09/11/2020)



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