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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.2848 of 2012

Sivakumar

...Appellant/Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Division-I, Pallavan Salai,
Chennai-2.

...Respondent/Respondent

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 11.09.2007 and made in M.A.C.T.O.P.No.1943 of 2002 dated 11.09.2007 passed by the Motor Accident Claims Tribunal VI Court of small causes, Chennai.

For Appellant : Mrs.Subadra for Mrs.M.Malar
For Respondent : Mr.S. Sivakumar

J U D G M E N T

This Appeal has been filed by the appellant/claimant against the Judgment and Decree dated 11.09.2007, made in M.A.C.T.O.P.No.1943 of 2002 passed by the Motor Accident Claims Tribunal VI Court of small causes, Chennai.

2. Brief facts of the case is as follows:

On 16.11.2001 at about 8.45 hours when the appellant was standing at Triplicane bus stand opposite to Jeans wines a motor cycle bearing Registration No. TN-01-N-2688 which was driven by its driver in a rash and negligent manner and hit the appellant. As a result of which, the appellant sustained grievous injuries. Hence, he filed a claim petition before the Tribunal seeking Rs.1,25,000/- as compensation. Upon consideration of the materials and evidence available on record, the Tribunal has awarded a total compensation of Rs.53,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.



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Rs.9,000/- towards the head loss of earning but, the Tribunal has awarded only Rs.5,000/- under this head. Hence, the same is enhanced to Rs.9,000/- The amount awarded under other heads remains the same. Thus, the total compensation amount awarded by this Court is as follows:

Particulars	Amount awarded by the Tribunal	Amount awarded by this Court
Loss of earnings	Rs.5,000/-	Rs,9,000/-
Transport Expenses	Rs.500/-	Rs.5,000/-
Extra nourishment	Rs.500/-	Rs.5,000/-
Medical Expenses	Rs.2,000/-	Rs.2,000/-
Pain and sufferings	Rs.5,000/-	Rs.15,000/-
Disability 35%	Rs.35,000/-	Rs.35,000/-
Attendant charges	-Nil-	Rs.2,000/-
Loss of earning power	Rs.5,000/-	Rs.5,000/-
Total	Rs.53,000/-	Rs.78,000/-

With the above said modification, the award amount is enhanced to Rs.78,000/- from Rs.53,000/-.

9. In the result, the award passed by the Claims Tribunal is dismissed and this Civil Miscellaneous Appeal is partly allowed. No costs. The Respondent/Transport Corporation shall deposit the amount awarded by this Court, along with 7.5% interest, less the amount already deposited, if any, within a period of eight weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the appellant is directed to withdraw the amount, less the amount if any already withdrawn.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
VI Court of small causes,
Chennai.

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

+lcc to Mrs.M.Malar, Advocate, S.R.No.13792

C.M.A.No.2848 of 2012

PP[co]
NSK 30/11/2021