



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2633 of 2017

Thangaraj

.. Appellant/Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation Limited,
Chennai - 600 002.

.. Respondent/Respondent

Prayer:

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 24.03.2015 made in M.C.O.P.No.4386 of 2013 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

For Appellant : Mr.K.V.Muthu Visakan

For Respondent : Mr.S.Sivakumar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 24.03.2015 made in M.C.O.P.No.4386 of 2013 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai.

2.The appellant is the claimant in M.C.O.P.No.4386 of 2013 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai. He filed the above said claim petition, claiming a sum of Rs.7,00,000/- as compensation for the injuries sustained by him in the accident that took place on 03.04.2013.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the bus belonging to the respondent-Transport Corporation and directed the respondent-Transport Corporation to pay a sum of Rs.1,35,500/- as compensation to the appellant.



rate of Rs.3,000/- per percentage of disability. In view of the above, the compensation awarded by the Tribunal towards disability is enhanced to Rs.1,50,000/- (Rs.3,000/- X 50% of disability).

WEB COPY

9. The appellant has taken treatment as in-patient at Government General Hospital from 03.04.2013 to 05.04.2013 and at Railway Hospital from 05.04.2013 to 03.05.2013 and the Tribunal has not awarded any amount towards attendant charges. Therefore, a sum of Rs.20,000/- is awarded towards attendant charges. Considering the nature of injuries and period of treatment taken by the appellant, the amounts awarded by the Tribunal towards transportation, extra nourishment, loss of amenities and damages to clothes are meagre and the same are enhanced to Rs.10,000/-, Rs.15,000/-, Rs.20,000/- and Rs.2,000/- respectively. From the award passed by the Tribunal, it is seen that the appellant was a retired Railway Employee and was getting pension. Therefore, he is not entitled to any compensation towards loss of income during treatment period. The amount awarded by the Tribunal towards pain and sufferings is just and reasonable and hence, the same is confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	81,000/-	1,50,000/-	Enhanced
2.	Pain and sufferings	30,000/-	30,000/-	Confirmed
3.	Extra nourishment	7,000/-	15,000/-	Enhanced
4.	Transportation	7,000/-	10,000/-	Enhanced
5.	Loss of amenities	10,000/-	20,000/-	Enhanced
6.	Damages to clothes	500/-	2,000/-	Enhanced
7.	Attendant charges	-	20,000/-	Granted
	Total	Rs.1,35,500/-	Rs.2,47,000/-	enhanced by Rs.1,11,500/-

10. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.1,35,500/- is hereby enhanced to Rs.2,47,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 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, to the credit of M.C.O.P.No.4386 of 2013 on the file of the Motor Accident Claims Tribunal, III Small Causes Court, Chennai. On such deposit, the appellant is permitted to withdraw the enhanced award amount, along with interest and costs, less the amount if any, already withdrawn by making necessary applications before the Tribunal. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

krk

To

1. The III Judge,
Motor Accident Claims Tribunal,
Small Causes Court, Chennai.
2. The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.K.V.Muthu Visakan, Advocate, S.R.No.10346
+1cc to Mr.S.Sivakumar, Advocate, S.R.No.10945

C.M.A.No.2633 of 2017

RSV(CO)
CS/09/02/2021