

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.699 of 2017

Lalitha

... Appellant /Petitioner

Vs.

Metropolitan Transport Corporation Ltd.,  
Rep.by its Managing Director,  
Pallavan Salai, Chennai - 02. ... Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 24.08.2012 made in M.C.O.P.No.1961 of 2007, on the file of the Motor Accidents Claims Tribunal, (III Small Causes Court) Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondent : Mr.S.S.Swaminathan

J U D G M E N T

Being not satisfied with the quantum of compensation awarded by the Tribunal, the appellant/claimant has filed the present Civil Miscellaneous Appeal.

2.According to the appellant/claimant, on 16.11.2006 at about 12.00 hours, when she was walking near Police Quarters at T.Nagar Bus Stand, the bus bearing Registration No.TN-01-N-3654 belonging to the respondent Transport Corporation, came in a rash and negligent manner and hit the claimant, as a result of which, the appellant/claimant sustained grievous injuries. She filed a claim petition, claiming a compensation of Rs.1,75,000/- before the Tribunal. The Tribunal, after considering the oral and documentary evidence, awarded a compensation of Rs.92,000/- with interest at 7.5% per annum from the date of petition. Aggrieved over the quantum of compensation so awarded, the appellant is before this Court with the present appeal seeking enhancement of compensation.

3.The learned counsel for the appellant/claimant has submitted that the Tribunal has awarded a lesser sum of Rs.60,000/- for 30% permanent disability and hence, the same has to be enhanced considerably. The learned counsel further submitted that the amounts awarded under other heads are meagre and therefore, the same need substantial enhancement.

4.Per contra, the learned counsel for the respondent/Transport Corporation has submitted that after properly analysing the materials and evidence, the Tribunal has awarded the compensation, which is just and reasonable and hence, the same does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The appellant/ claimant herself was examined as P.W.1. She stated in her evidence that she was aged about 52 years; due to the impact of the accident, she sustained multiple injuries all over the body. The doctor, who treated the claimant, was examined as P.W.2 and according to him, the appellant/claimant sustained 30% permanent disability. Ex.P5 is the disability certificate and Ex.P6 is the X-Ray. After considering the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.60,000/- at the rate of Rs.2,000/- per percentage for 30% permanent disability, under the head "permanent disability", which in the opinion of this Court, seems to be just and reasonable and hence, the same warrants no interference. The Tribunal has awarded a sum of Rs.10,000/- towards pain and suffering. The Tribunal has not awarded any amount towards loss of earning and future medical expenses. Considering the nature of the injuries sustained and the period of treatment undergone by the appellant/claimant, this Court is inclined to enhance the amount awarded towards pain and suffering to Rs.25,000/- and to award a sum of Rs.10,000/- towards future medical expenses. The amounts awarded towards transportation, Extra nourishment, Damage to clothes and medical expenses, at Rs.5,000/-, Rs.5,000/-, Rs.1,000/- and Rs.11,000/- respectively, are confirmed. The details of the modified compensation are as follows:

| HEADS                      | AMOUNT<br>(Rs.) |
|----------------------------|-----------------|
| Permanent disability (30%) | 60,000/-        |
| Transportation             | 5,000/-         |
| Extra nourishment          | 5,000/-         |
| Damage to clothes          | 1,000/-         |
| Medical expenses           | 11,000/-        |
| Pain and suffering         | 25,000/-        |
| Future medical expenses    | 10,000/-        |
|                            | -----           |
| TOTAL....                  | 1,17,000/-      |
|                            | =====           |

Thus, the appellant / claimant is entitled to the modified compensation of Rs.1,17,000/- with interest at the rate of 7.5% per annum from the date of petition. It is made clear that the appellant/claimant is not entitled for interest for the period of delay in filing the appeal, only in respect of the enhanced amount of compensation.

7. Accordingly, the Civil Miscellaneous Appeal is allowed in part. No costs. The respondent Transport Corporation is directed to deposit the modified compensation amount as ordered above, after deducting the amount, if any, already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant / claimant is permitted to withdraw the same on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CS IX)

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सत्यमेव जयते

Sub Assistant Registrar

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To

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The Motor Accidents Claims Tribunal,  
The III Small Causes Court,  
Chennai.

Copy to

The Section Officer,  
VR Section, High Court,  
Madras.

+1cc to Mr.K.Varadha Kamaraj, Advocate Sr.30360  
+1cc to M/s.S.S.Swaminathan, Advocate Sr.30458

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srg 14/05/2021



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