



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A(MD)No.445 of 2020

Subramania Pillai

... Appellant/Claimant

Vs.

Tamil Nadu State Transport Corporation Limited,
Through its Managing Director,
Office at By-pass Road,
Madurai

... Respondent/Respondent

PRAYER: This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the Judgment and decree dated 22.8.2019 made in M.C.O.P.No.855 of 2015 on the file of the Motor Accidents Claims Tribunal/Special Sub-Court Dealing with MCOP Cases, Tirunelveli.

For Appellant : Mr.V.Sasikumar
For Respondent : Mr.R.Rajamohan

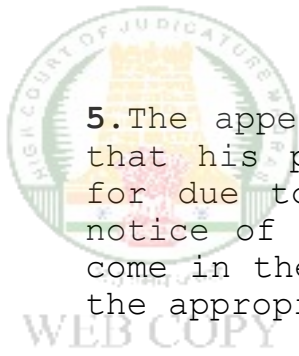
J U D G M E N T

This appeal is filed by the claimant challenging the quantum of compensation awarded by the Tribunal.

2. The brief facts of the case are that on 03.12.2014 at about 5.50 a.m, the bus belonging to the respondent Corporation bearing Registration no.TN 74 N 1228 was driven by its driver in a rash and negligent manner, and hit the motor cycle driven by the appellant bearing Registration No.TN 05 F 6403. Due to the accident, the appellant sustained severe injuries and was admitted in Thiraviam Hospital at Nagercoil and his right forearm was amputated.

3.Claiming compensation of Rs.50,00,000/- the appellant laid the Claim Petition before the Tribunal. The Tribunal determined the percentage of disability at 60% and awarded a sum of Rs.2,40,000/- towards permanent disability and awarded a sum of Rs.28,100/- towards Medical expenses and further, awarded a sum of Rs.20,000/- on the head of Pain and suffering. Including other heads of compensation, the total compensation amount was arrived at Rs.3,41,100/-. Seeking enhancement of compensation, the appellant is before this Court.

4.Heard both sides.



5.The appellant herein is a police man and this Court was reported that his promotional opportunities are not entirely affected thus for due to the amputation of one of his hands. This Court takes notice of the same. Still, the amputation of the hand is likely to come in the way when he would be considered for further promotion at the appropriate state of his career.

6.The Tribunal had awarded a sum of Rs.4,000 for per percentage of disability. This Court deems it appropriate to increase it to Rs.5,000 for per percentage of disability. Accordingly, on the head of permanent disability, this Court awards a sum of Rs.3,00,000/- (Rs.5,000 x 60). Further, on the head of Pain and Suffering, the Tribunal had awarded a sum of Rs.20,000 and the same is enhanced to Rs.1,50,000/-. On the head of Future attendance, the Tribunal had awarded a sum of Rs.3,000/- and the same is enhanced to Rs.1,00,000/-. The Tribunal had awarded a sum of Rs.20,000/- towards Extra Nourishment and the same is enhanced to Rs.50,000/-. The Tribunal had not awarded any money for Artificial Limb, which the appellant may require. This Court deems it appropriate to grant a sum of Rs.1,50,000/- on the head of artificial limb. Hence, the Award amount is enhanced from Rs.3,41,100/- to Rs.8,08,100/- with interest at 7.5% p.a.

7.This Court enhances the award amount granted on the following heads.

Sl. No.	Heads	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1.	Disability	2,40,000.00	3,00,000.00
2.	Medical Expenses	28,100.00	28,100.00
3.	Attendance Charges	3,000.00	1,00,000.00
4.	Pain and suffering	20,000.00	1,50,000.00
5.	Transport to Hospital	10,000.00	10,000.00
6.	Extra Nourishment	20,000.00	50,000.00
7.	Loss of convenience	20,000.00	20,000.00
8.	Artificial limb	-	1,50,000.00
	Total	3,41,100.00	8,08,100.00

8. In fine, this Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed. The respondent/Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, less the amount already deposited, if any, to the credit of M.C.O.P.No.855 of 2015, on the file of Motor Accidents Claims Tribunal/Special Sub-Court



from the date of receipt of a copy of this order. Wherein after, the claimant is permitted to withdraw the entire Award amount. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

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To

- 1.The Motor Accidents Claims Tribunal,
Special Sub-Court Dealing with MCOP Cases,
Tirunelveli.
- 2.The Section Officer,
V.R.Section, Madurai Bench of Madras High Court,
Madurai (2C)

- + 1cc to Mr. R.RAJA MOHAN 22823,Advocate, SR No.
+ 1cc to Mr.V.SASIKUMAR ,Advocate, SR No.22834

C.M.A(MD)No.445 of 2020
24.11.2020

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