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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM:

THE HON'BLE MRS.JUSTICE S.KANNAMMAL

C.M.A.No.1336 of 2020

Kumar

... Appellant/Petitioner

.Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Div I) Ltd.,
3/137, Salamedu Vazhuthareddy,
Villupuram.

... Respondent/Respondent

PRAYER:-

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 02.07.2020 made in M.C.O.P.No.2101 of 2016 on the file of the Motor Accident Claims Tribunal, I Additional Sub Judge, Cuddalore.

For Appellant : Mrs.Ramya V.Rao

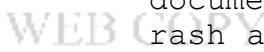
For Respondent : Mr.T.S.K.Sathish Kumar

JUDGMENT

(The Case has been heard through Video Conference)

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 02.07.2020 made in M.C.O.P.No.2101 of 2016 on the file of the Motor Accident Claims Tribunal, I Additional Sub Judge, Cuddalore.

2. The appellant is the claimant in M.C.O.P.No.2101 of 2016 on the file of the Motor Accident Claims Tribunal, I Additional Sub Judge, Cuddalore. He filed the above said claim petition, claiming a sum of Rs.25,00,000/- as compensation for the



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.14,60,500/- as compensation to the appellant/claimant.

5. The learned counsel appearing for the appellant contended that the Tribunal ought to have granted compensation for 100% permanent disability to the appellant instead granting compensation for 90% permanent disability. The appellant was working as a Mason and earning a sum of Rs.20,000/- per month and the monthly income fixed by the Tribunal at Rs.6,500/- is meagre. The amounts awarded by the Tribunal under different heads are meagre and prayed for enhancement of compensation.

7. Heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the respondent-Transport Corporation and perused the entire materials on record.

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any material evidence with regard to avocation and income, the Tribunal fixed a sum of Rs.6,500/- per month as notional income of the appellant. The accident occurred in the year 2016 and the appellant was aged 41 years at the time of accident. Considering the year of accident, age and nature of work done by the appellant, the notional income fixed by the Tribunal at Rs.6,500/- per month is meagre and the same is enhanced to Rs.12,000/- per month. In view of the above, the compensation awarded by the Tribunal towards future loss of income is modified to Rs.22,68,000/- {[Rs.12,000/- + Rs.3,000/- (25% of Rs.12,000/-)] x 12 x 14 x 90/100}. In view of the excess amounts awarded by the Tribunal towards pain and sufferings, extra nourishment and attendant charges, the appellant is not entitled for further enhancement. The Tribunal awarded a sum of Rs.75,000/-, Rs.5,000/- and Rs.15,000/- towards loss of amenities, transportation and future medical expenses are hereby enhanced to Rs.1,00,000/-, Rs.25,000/- and Rs.20,000/- respectively. Therefore, the compensation awarded by the Tribunal under other heads are just and reasonable and hence, the same are 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.	Permanent disability and loss of income	12,28,500/-	22,68,000/-	Enhanced
2.	Pain and sufferings	1,00,000/-	1,00,000/-	Confirmed
3.	Loss of amenities	75,000/-	1,00,000/-	Enhanced
4.	Extra nourishment	25,000/-	25,000/-	Confirmed
5.	Attendant charges	12,000/-	12,000/-	Confirmed
6.	Transportation	5,000/-	25,000/-	Enhanced
7.	Future medical expenses	15,000/-	20,000/-	Enhanced
	Total	Rs.14,60,500/-	Rs.25,50,000/-	enhanced by Rs.10,89,500/-

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.14,60,500/- is hereby enhanced to Rs.25,50,000/- together



with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant-claimant is directed to pay necessary Court fee, if any, on the enhanced compensation. 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. 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. No costs.

Sd/-
Deputy Registrar (LAK)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The I Additional Sub Judge,
Motor Accident Claims Tribunal,
Cuddalore.
2. The Section Officer,
V.R. Section,
High Court, Madras.

+2ccs to Mr.A.N.Viswanatha Rao, Advocate, S.R.No.33426

C.M.A.NO.1336 OF 2020

PM(CO)
PBS/25/10/2021