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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.1873 OF 2020

Shanmugam

... Appellant/Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Chennai.

... Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree order dated 06.08.2019 made in M.C.O.P.No.167 of 2016, on the file of the Principal Special Judge, Special Court under E.C & NDPS Act, Chennai.

For Appellant : Mr.Amar D.Pandiya

For Respondent : Mr.K.Moorthy

JUDGMENT

This appeal has been filed by the claimant for enhancement of compensation awarded by the Tribunal in the impugned judgment and decree dated 06.08.2019 passed by the Principal Special Judge, Special Court under E.C & NDPS Act, Chennai in M.C.O.P.No.167 of 2016.

2.By the impugned judgment and decree, the Tribunal has awarded a sum of Rs.1,09,000/- as compensation under following heads:-



7. In my view, the Tribunal has correctly rejected the Ex.P4 as it does not have any casual connection with the injury to the appellant on 09.12.2015. However, an amount of Rs.1,09,000/- awarded by the Tribunal under the following heads are to be partly increased, considering the nature of injury. The injury would have put the appellant out of action and would have taken time to recover and get back to work. The Tribunal has awarded only a sum of Rs.24,000 towards Loss of Income for a period of two months. It is enhanced to Rs.72,000 (12,000 x 6). The Tribunal has awarded only a sum of Rs.10,000/- towards pain and suffering which is increased to Rs.25,000/-. Similarly, the Tribunal awarded only a sum of Rs.10,000/- towards loss of amenities. It is enhanced by another sum of Rs.5,000/-. The Tribunal has awarded a sum of Rs.5,000/- towards Attenders charges. It is enhanced to Rs.10,000/-. Considering the nature of injuries suffered by the appellant further a sum of Rs.10,000/- to be added towards Extra Nourishment and a sum of Rs.10,000/- is hereby added towards Transportation. In the result, there shall be a partial enhancement of compensation as detailed below:-

Sl.No.	Heads of Compensation	Amount Awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or reduced or granted or set aside
1.	Loss of Income	Rs.24,000/-	Rs.72,000/- (12,000x6)	Enhanced
2.	Loss of earning capacity	Rs.60,000/-	Rs.60,000/-	Confirmed
3.	Attendant charges	Rs. 5,000/-	Rs.10,000/-	Enhanced
4.	Pain and suffering	Rs.10,000/-	Rs.25,000/-	Enhanced
5.	Loss of amenities	Rs.10,000/-	Rs.15,000/-	Enhanced
6	Extra Nourishment	-----	Rs.10,000/-	Granted



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Sl.No.	Heads of Compensation	Amount Awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or reduced or granted or set aside
7	Transportation	-----	Rs.10,000/-	Granted
	Total	Rs.1,09,000/-	Rs.2,02,000/-	Enhanced by Rs.93,000/-

8.In the light of the above, this appeal stands partly allowed by directing the respondent/State Transport Corporation enhanced amount of compensation of Rs.2,02,000/- together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of a copy of this Judgment.

9.On such deposit being made by the respondent/Transport Corporation, the appellant/claimant is permitted to withdraw the same together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

10.Accordingly, this appeal stands partly allowed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Special Judge, Special Court
under E.C & NDPS Act, Chennai.
2. The Managing Director,
Metropolitan Transport Corporation,
Chennai.



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

+1cc to M/s.S.Ravikumar, Advocate, S.R.No.27968

+1cc to Mr.K.Moorthy, Advocate, S.R.No.27881

C.M.A.No.1873 of 2020

BP (CO)
RLP (29/06/2022)