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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.1744 OF 2020

Mahendran,
S/o.Varatharaj

... Appellant/
Claimant

.Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam, Region at Pudukottai,
Pudukottai District.

2. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road, Salem - 7.

... Respondents/
Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 29.11.2019 made in M.C.O.P.No.1583 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge No-I, Salem.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents:

For R1 : Mr.L.Ramanathan
for Mr.D.Venkatachalam

For R2 : Ms.P.Rajathi
for Mr.D.Raghu

JUDGMENT

The claimant is the appellant in this appeal and has filed this appeal for enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Special Subordinate Judge No-I, Salem in M.C.O.P.No.1583 of 2017.



2. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.2,20,688/- as detailed below:-

Sl.No	Heads of Compensation	Amount Awarded by the Tribunal
1.	Pain and Sufferings	Rs. 20,000/-
2.	Loss of Income	Rs. 89,688/-
3.	Transportation Charges	Rs. 10,000/-
4.	Extra Nourishment	Rs. 10,000/-
5.	Attender Charges	Rs. 10,000/-
6.	Damages to clothes	Rs. 1,000/-
7.	Loss of Amenities	Rs. 20,000/-
8.	Permanent Disability	Rs. 60,000/-
	Total	Rs. 2,20,688/-

3. In this appeal, the appellant/claimant stated that the Tribunal ought to have awarded higher amount of compensation towards disability and therefore prays for enhancement of compensation.

4. Defending the impugned Judgment and decree, Mr.L.Ramanathan, learned counsel for the 1st respondent/State Transport Corporation submits that the Tribunal has come to a fair conclusion and awarded just compensation and therefore prays for confirmation of the award and dismissal of the present appeal.

5. Heard the learned counsel for the appellant and the respondents. I have perused the impugned Judgment and decree. I have also perused the exhibits that were marked before the Tribunal and the deposition of the parties herein.

6. The appellant/claimant who met with an accident and suffered the following injuries:-

- (i) Grade-II open fracture of both bones left leg
- (ii) Fracture of right clavicle and
- (iii) lacerated wound over right frontal area of scalp.

7. The Tribunal has awarded a sum of Rs.60,000/- towards permanent disability at Rs.3,000/- per percentage.

8. Barring the above, the amount awarded under various heads are reasonable and is consistent with the views of this Court



for similar injuries.

9. Considering the fact that the accident is of the year 2017, i.e., on 27.01.2017, there shall be partial enhancement of compensation towards permanent disability suffered by the appellant/claimant by adding another sum of Rs.40,000/-. Therefore, the compensation awarded by the Tribunal is enhanced to Rs.2,60,688/-.

10. The 1st respondent/State Transport Corporation is directed to deposit the enhanced amount of compensation of Rs.2,60,688/- 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.

11. On such deposit being made by the 1st respondent/State 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.

12. This Civil Miscellaneous Appeal stands partly allowed with the above observations. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Motor Accidents Claims Tribunal,
Subordinate Judge Court No.1, Salem.
2. The Section Officer,
Vernacular Section, Madras High Court.

+1cc to Mr.D.Raghu, Advocate, S.R.No.26923

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.26912

C.M.A.No.1744 of 2020

KV(CO)
CS/18/10/2021