



C.M.A.No.2324 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2324 of 2022
and CMP.No.18094 of 2022

The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
Kanchipuram Region. .. Appellant / Respondent

-Vs.-

Raja .. Respondent / Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 31.03.2021 made in M.C.O.P.No.4994 of 2016 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Special Court under E.C.& NDPS Act, Chennai.

For Appellant	: Mr.K.J.Sivakumar
For Respondent	: Mr.K.Varadha Kamaraj



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JUDGMENT

The Transport Corporation had challenged the Award passed by the Motor Accident Claims Tribunal (Principal Sub Judge, Special Court under E.C.& NDPS Act), Chennai in M.C.O.P.No.4994 of 2016 dated 31.03.2016.

2. The only ground pleaded is that the quantum of compensation was on the higher side.

3. Mr.K.Varadha Kamaraj, learned counsel, who had appeared on behalf of the respondent/claimant in the condone delay stage, has appeared before this Court.

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

5. After hearing the learned counsel on both sides, the only ground on which this Court could interfere is that a sum of Rs.42,000/-



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has been granted as partial loss of earning capacity, despite the Tribunal granting compensation both under the head of loss of earning capacity as well loss of amenities. Therefore, the sum of Rs.42,000/- granted under the head of partial loss of earning capacity is deleted. The re-worked compensation would be as follows:-

<i>Heads</i>	<i>Amount by the Tribunal in Rs.</i>	<i>Amount Awarded by this Court in Rs.</i>
Loss of earning capacity	3,40,000	3,40,200
Loss of amenities	50,000	50,000
Medical Bills	-	-
Transport to Hospital	5,000	5,000
Nutritious food	26,500	26,500
Attender Charges	13,250	13,250
Pain and suffering	25,000	25,000
Partial loss of earning	42,000	-
Total	5,01,950	4,59,950 Rounded Off to Rs.4,60,000



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6. Therefore, the Civil Miscellaneous Appeal is partly allowed and the compensation of **Rs.5,01,950.00** awarded by the Tribunal is hereby reduced to a sum of **Rs.4,60,000.00** together with interest @ 7.5 % per annum from the date of petition till the date of deposit. The appellant-Transport Corporation is directed to deposit the said amount **Rs.4,60,000.00** to the credit of M.C.O.P.No.4994 of 2016 together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimant is permitted to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount if any already withdrawn by the claimant. The Transport Corporation is permitted to withdraw any excess amount, if any deposited by them. In other respects, the impugned Award of the Tribunal is hereby confirmed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

28.10.2022

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To
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1. The Principal Sub Judge
(Motor Accident Claims Tribunal),
Special Court under E.C.& NDPS Act, Chennai.
2. The Section Officer, V.R.Section, High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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