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C.M.A.No.2200 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2200 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137, Salamedu,
Vazhuthareddy,
Villupuram-605 602.

.. Appellant

-Vs.-

Maruthamuthu

.. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 10.11.2021 made in M.C.O.P.No.297 of 2015 on the file of Motor Accident Claims Tribunal, The Special Subordinate Judge, Cuddalore.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Mrs.Ramya V.Rao



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JUDGMENT

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The Transport Corporation has filed the above appeal, challenging the Award passed by the Motor Accident Claims Tribunal (Special Subordinate Judge), Cuddalore in M.C.O.P.No.297 of 2015.

2. The challenge is to the quantum that has been granted by the Tribunal below.

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

4. The claimant had sustained the following injuries.

- (i) Fracture of Nasal bone (left)
- (ii) Injury on head
- (iii) Injury on Forehead
- (iv) Injury on Mouth
- (v) Injury on Thigh
- (vi) Injury on Neck
- (vii) Injury on Genitals
- (viii) Multiple grievous injuries all over the body.



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5. The claimant has been an inpatient from 06.12.2014 to 17.12.2014 and claims to have been treated in a private hospital. Thereafter, the claimant has himself stated that he is earning a sum of Rs.12,000/- per month and working as a coolie. The Tribunal has adopted a notional income of Rs.13,000/- over and above the income pleaded by the claimant. The notional income is therefore fixed at Rs.7,500/- and the amount granted under the head of loss of income is reduced from a sum of Rs.5,30,400/- to Rs.3,06,000/-. Likewise, the amount under the head of pain and suffering is reduced to a sum of Rs.25,000/-. Though the petitioner has undergone treatment in the Government hospital at Pennadam and Cuddalore, the Tribunal has granted him a sum of Rs.50,000/- under the head of medical expenses and the same is reduced to a sum of Rs.10,000/-. Likewise, the amount under the head of transportation charges is reduced to a sum of Rs.15,000/- and the amount under the head of Extra nourishment is also reduced to a sum of Rs.15,000/-. The claimant has not been granted any amount under the head of loss of amenities and attender charges. Therefore, a sum of Rs.20,000/- and Rs.10,000/- respectively under these heads have been granted. Therefore, the modified amount would be a sum of



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Rs.4,01,000/-. Accordingly, the Compensation awarded by the Tribunal is reworked as below:

<i>Heads</i>	<i>Amount by the Tribunal in Rs.</i>	<i>Amount Awarded by this Court in Rs.</i>
Loss of Disability	5,30,400 (13,000 x 12 x 17 x 20%)	3,06,000 (7,500 x 12x17 x 20%)
Pain and Suffering	50,000	25,000
Medical expenses	50,000	10,000
Transportation Charges	50,000	15,000
Extra Nourishment Charges	30,000	15,000
Loss of amenities	-	20,000
Attender Charges	-	10,000
Total	7,10,400	4,01,000

6. This appeal is partly allowed and the impugned Award of the Tribunal is modified, reducing the compensation amount from **Rs.7,10,400.00** to **Rs.4.01,000.00**. The appellant-Transport Corporation is directed to deposit the said amount **Rs.4,01,000/-** to the credit of M.C.O.P.No.297 of 2015 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



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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, as apportioned by the Tribunal, after adjusting the amount if any already withdrawn. The Transport Corporation is permitted to withdraw any excess amount deposited by them. No costs.

13.10.2022

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To

1. The Motor Accident Claims Tribunal
The Special Subordinate Judge,
Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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