



C.M.A.No.2228 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2228 of 2022

&

C.M.P.No.17231 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (VPM – Divn) Ltd.,
No.3/137, Salamedu, Vashuthareddy and Post,
Villupuram Taluk – 605 402.
...Appellant

Vs

R.Saravanan

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree dated 24.03.2022 made in M.C.O.P.No.180 of 2015 on the file of the Motor Accident Claims Tribunal, the I Additional Sub Judge (FAC),



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For Appellant : Mr.K.J.Sivakumar

For Respondent : Mrs.Ramya V. Rao

JUDGEMENT

The Transport Corporation has filed the above appeal challenging the award primarily on the ground of quantum.

2. Mr.K.J.Sivakumar, learned counsel for the appellant Transport Corporation would contend that the Tribunal below has committed an error in adding future prospects to the amount granted under the head of Partial Permanent Disability overlooking the fact that it is a claim seeking compensation for injuries sustained. That apart, the Tribunal has committed an error in granting the amount



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under the head of Temporary Loss of Income.

3. Mrs.Ramya V.Rao, learned counsel appearing for the respondent would admit that since it is the case of injury and Partial Permanent Disability, the future prospects cannot be granted. Taking into account the above arguments, the amount granted under the head of Partial Permanent Disability is reduced to a sum of **Rs.4,14,720/- (Rs.9,000/- X 12 X 24% X 16).**

4. The amounts granted under the head of Temporary Loss of Income is deleted. Therefore, the award amount is reduced to a sum of **Rs.4,89,720/-.**

5. The award of the Tribunal below is re-worked as follows:



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Head	Award of the Tribunal	Award of the High Court	Remarks
Partial Permanent Disability	Rs.5,80,608/-	Rs.4,14,720/-	Reduced
Transport	Rs.10,000/-	Rs.10,000/-	Confirmed
Extra Nourishment	Rs.10,000/-	Rs.10,000/-	Confirmed
Attender Charges	Rs.5,000/-	Rs.5,000/-	Confirmed
Pain & Sufferings	Rs.30,000/-	Rs.30,000/-	Confirmed
Loss of Amenities	Rs.20,000/-	Rs.20,000/-	Confirmed
Temporary Loss of Income	Rs.27,000/-		Deleted
Total	Rs.6,82,608/-	Rs.4,89,720/- together with interest @ 7.5% p.a.	Reduced.

6. The appellant Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a



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copy of this Judgement, to the credit of M.C.O.P.No.180 of 2015. On such deposit, the petitioner / respondent is permitted to withdraw the award amount, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

7. The Civil Miscellaneous Appeal is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

14.10.2022

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Index : Yes/No
Speaking order/non-speaking order

To,

The Motor Accident Claims Tribunal,
the I Additional Sub Judge (FAC),
Cuddalore.



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P.T.ASHA, J.,

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