



CMA.No.762 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM: JUSTICE N.SESHASAYEE

CMA.No.762 of 2022

G.Govindhan

... Appellant

-Vs-

The Managing Director,
Tamil Nadu Transport Corporation,
VPM Ltd.,
No.137, Salamedu,
Vazhuthareddy Post,
Villupuram – 605 602.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V.Act, 1988, against the decree and Judgment dated 09-07-2019 made in M.C.O.P.No.2502 of 2017 on the file of Motor Accident Claims Tribunal, IV Small Causes Court, Chennai.

For Appellant : Mr.K.Varadha Kamaraj
For Respondent : Mr.T.Chandrasekaran

JUDGMENT

This Appeal is preferred by the victim of a road accident as he was not satisfied with the quantum of compensation as awarded by the Tribunal



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in MCOP.No.2502 of 2017. The Accident had occasioned when the appellant fell down while boarding a bus bearing Regn.No.TN 32 N 2689, belonging to the respondent. According to the appellant, even before the appellant could board the bus, the bus took off. His case is that the bus ran over the right foot of the appellant and he suffered crush injuries to his right foot and also fracture of right leg.

2.The learned counsel for the appellant submitted that that the appellant was at the relevant time when the accident took place working as a driver and earning Rs.12,000/- per month. However, the Tribunal had reckoned his income at Rs.6,000/- for assessing the compensation payable under the head loss of income. The petitioner's injury is assessed by the doctor who treated him at 45%. The Tribunal however, had reckoned it at 25% and awarded Rs.3,000/- for every percentage of disability.

3.The learned counsel for the respondent submitted that the appellant has carefully avoided appearing before the Medical Board nor has chosen to file any material to show that he was being paid Rs.12,000/- per mensum. Indeed, the appellant introduces himself as working as a security for



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M/s.Indira Builders and it is absolutely for him to obtain some particulars about payment of salary. Therefore, he submitted that the Award passed was reasonable.

4.The appellant is 44 years old and his photographs as produced by the petitioner is also perused. Given the nature of injury, the petitioner could be Awarded Rs.5,000/- for every percentage of injury. Accordingly, the compensation payable under the head disability is increased from R.75,000/- to Rs.1,25,000/-. So far as loss of income is concerned, Rs.8,000/- would be reasonable for a security aged 44 years and given the standard of living in 2017. Accordingly, he will be entitled to Rs.48,000/- as against Rs.36,000/- Awarded by the Tribunal under this head. Further, the compensation awarded under the head of Additional Nourishment is doubled and the compensation awarded under the head of Attender Charges is increased by another Rs.10,000/-.

5.The compensation awarded by the Tribunal under other heads are just and reasonable and hence, the same are confirmed. Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,03,100/- to



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Rs.2,90,100/-, break-up as follows -

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Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability(25%)	75,000/-	1,25,000/-	Enhanced
2.	Loss of Income	36,000/-	48,000/-	Enhanced
3.	Pain and Suffering	25,000/-	25,000/-	Confirmed
4.	Transportation to Hospital	10,000/-	10,000/-	Confirmed
5.	Additional Nourishment	15,000/-	30,000/-	Enhanced
6.	Damages to clothes	2,000/-	2,000/-	Confirmed
7.	Attender Charges	20,100/-	30,100/-	Enhanced
8.	Loss of Amenities	20,000/-	20,000/-	Confirmed
	Grand Total	2,03,100/-	2,90,100/-	Enhanced by 87,000/-

6. With the above modification, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.2,03,100/- is hereby enhanced to Rs.2,90,100/- together with interest at 7.5% per annum (excluding the default period if any) from the date of petition till



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the date of deposit. The respondent / Insurance Company is directed to deposit the award amount, now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six (6) weeks from the date of a receipt of copy of this Judgment. On such deposit, the appellant is permitted to withdraw the award amount, now determined by this Court, along with interest and costs, less the amount if any, already withdrawn. The appellant is directed to pay the necessary Court Fee, if any, on the enhanced award amount. No costs.

17.10.2023

Tsg

To

- 1.The Motor Accident Claims Tribunal,
IV Small Causes Court, Chennai.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

N.SESHASAYEE, J.,



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