



WEB COPY



C.M.A No.397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.No.397 of 2022

S.Sekar

... Appellant

Vs.

The Managing Director
Tamilnadu State Transport Corporation (Vpm-Divn.I)
Villupuram-605 602.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Acct, 1988, seeking enhancement of compensation in MCOP.No.2624 of 2018 on the file of the Motor Accidents Claims Tribunal, (In the Chief Judicial Magistrate, Cuddalore), dated 08.11.2021.

For Appellant : Ms.Ramya V. Rao

For Respondent : Mr.S.S.Santhosakumar
Government Standing Counsel
for TNSTC



C.M.A No.397 of 2022

WEB COPY

JUDGMENT

The claimant in MCOP.No.2624 of 2018 on the file of Motor Accident Claims Tribunal/Chief Judicial Magistrate, Cuddalore has now approached this Court with this appeal seeking enhancement of compensation for the injury he has suffered in a road accident while he was driving his car bearing Regn.No.PY 01 CF 5184, when a bus bearing Regn.No.TN 32 N 2420 belonging to the respondent Corporation dashed on the car. The accident had taken place on 31.01.2018 at around 16.25 hours. In the accident, the petitioner had suffered fracture to his right tibia and right ankle. He was hospitalized in four phases for a total period of 36 days. The medical board has fixed his disability at 12% and the Tribunal has awarded compensation for permanent disability at Rs.3000/- for every percentage of disability. The break up of the award is as below:

Sl. No.	Description	Amount awarded by Tribunal (Rs)
1.	Disability	36,000/-
2.	Loss of Income	42,000/-
3.	Pain and suffering	50,000/-
4.	Medical expenses	5,000/-



C.M.A No.397 of 2022

5.	Extra nourishment	10,000/-
6.	Damage to clothes	2,000/-
7.	Travel expenses	10,000/-
8.	Attender Charges	24,000/-
	Grand Total	1,79,000/-

Aggrieved by the perceived inadequacy of the compensation awarded, the appellant is before this Court.

2.The learned counsel for the appellant submitted that the Tribunal is unrealistic in fixing the compensation under each of the heads herein above indicated. This apart, it also ignored to award any compensation for loss of amenities. The learned counsel also added that the victim is about 51 years old at the time of the accident and the injury is severe, which has literally disabled his mobility. On this head, nothing was given for loss of amenities.

3.Heard Ms.Ramya V.Rao, the learned counsel for the petitioner and Mr.S.S.Santhosa Kumar, the learned Government Standing Counsel for



C.M.A No.397 of 2022

the respondent.

WEB COPY

4.This Court fixes Rs.10,000/- as notional income of the victim and Rs.5,000/- is fixed per percent of disability, which arrives at Rs.60,000/-.

The award of the Tribunal under other conventional heads are modified as hereunder:

Sl. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Disability	Rs.36,000/-	Rs.60,000/- (Rs.5,000 for each percent) =5,000 x 12	enhanced
2.	Loss of Income	Rs.42,000/-	Rs.60,000/- (Rs.10,000/-per month x 6)	enhanced
3.	Pain and suffering	Rs.50,000/-	Rs.75,000/-	enhanced
4.	Medical expenses	Rs.5,000/-	Rs.5,000/-	confirmed
5.	Extra nourishment	Rs.10,000/-	Rs.20,000/-	enhanced
6.	Damages to clothes	Rs.2,000/-	Rs.2,000/-	confirmed
7.	Travel	Rs.10,000/-	Rs.30,000/-	enhanced



C.M.A No.397 of 2022

	expenses			
8.	Attender charges	Rs.24,000/-	Rs.24,000/-	confirmed
9.	Loss of amenities	--	Rs.50,000/-	granted
	Grand Total	Rs.1,79,000/-	Rs.3,26,000/-	Enhanced by Rs.1,47,000/-

5.The appeal stands allowed and the compensation is enhanced from **Rs.1,79,000/-** to **Rs.3,26,000/-**. The respondent is now required the deposit the entire sum with interest at 7.5% per annum from the date of the claim petition till the date of deposit, less any amount already deposited, within the period of twelve (12) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant is permitted to withdraw the award amount, along with proportionate interest and costs as awarded by the Tribunal, 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.

29.11.2023

Anu

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



WEB COPY



C.M.A No.397 of 2022

N.SESHASAYEE, J.

Anu

To

The Motor Accidents Claims Tribunal,
(In the Chief Judicial Magistrate, Cuddalore)

C.M.A.No.397 of 2022

29.11.2023