



C.M.A No.2837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A.No.2837 of 2023

S.Velayudham

... Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Co Ltd.,
NH-4, Ponnerikarai,
Karaipettai Post,
Kanchipuram - 603 502.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Acct, 1988, seeking enhancement of the award in judgement and decree dated 22.12.2021 made in MCOP.No.979 of 2016 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Court, Kancheepuram.

For Appellant : Mr.C.Prabakaran

For Respondent : Mr.C.R.Suresh Kumar



C.M.A No.2837 of 2023

WEB COPY

JUDGMENT

The claimant in MCOP.No.979 of 2016 on the file of Motor Accident Claims Tribunal, Principal Subordinate Court, Kancheepuram 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 traveling as a passenger in a bus bearing Regn.No.TN 21 N 1621 belonging to the respondent Corporation. The accident had taken place on 24.07.2018 at about 10.45 p.m. In the accident, the petitioner had suffered fracture in right Clavicle. The medical board has fixed his disability at 40% 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.	Medical expenses	Rs.250/-
2.	Disability	Rs.1,20,000/-
3.	Attendant charges	--
4.	Loss of income	Rs.6,000/-
5.	Pain and sufferings	Rs.10,000/-
6.	Transportation	Rs.5,000/-
7.	Extra	Rs.2,000/-



C.M.A No.2837 of 2023

	nourishment	
	Grand Total	Rs.1,43,250/-

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

2.Mr.C.Prabakaran, 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 attendant charges.

3.Heard Mr.C.Prabakaran, the learned counsel for the petitioner and Mr.C.R.Suresh Kumar, the learned counsel appearing for the respondent.

4.The Court fixes Rs.5,000/- per percent of disability, which arrives at Rs.2,00,000/-. The award of the Tribunal under other conventional heads are modified as hereunder:



C.M.A No.2837 of 2023

Sl. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Medical expenses	Rs.250/-	Rs.250/-	confirmed
2.	Disability	Rs.1,20,000/-	Rs.2,00,000/- (40 x 5,000)	enhanced
3.	Attendant charges	--	Rs.10,000/-	granted
4.	Loss of income	Rs.6,000/-	Rs.24,000/- (6,000 x 4)	enhanced
5.	Pain and sufferings	Rs.10,000/-	Rs.20,000/-	enhanced
6.	Transportation	Rs.5,000/-	Rs.5,000/-	confirmed
7.	Extra nourishment	Rs.2,000/-	Rs.15,000/-	enhanced
	Grand Total	Rs.1,43,250/-	Rs.2,74,250/-	Enhanced by Rs.1,31,000/-

5.The appeal stands partly allowed, and the compensation is enhanced from **Rs.1,43,250/-** to **Rs.2,74,250/-**. The respondent is now required to 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 six (6) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant is



C.M.A No.2837 of 2023

permitted to withdraw the award amount, along with proportionate interest and costs as awarded by the Tribunal, less, the amount, if any already withdrawn. It is underscored that the appellant is also not entitled to any interest for 306 days which is a delay intervened in filing the appeal. The appellant is directed to pay the necessary Court Fee, if any, on the enhanced award amount. No Costs.

21.12.2023

Anu

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Motor Accident Claims Tribunal,
Principal Subordinate Court, Kancheepuram.



WEB COPY



C.M.A No.2837 of 2023

N.SESHASAYEE, J.

Anu

C.M.A.No.2837 of 2023

21.12.2023