



C.M.A No.2353 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A. No.2353 of 2023 and
C.M.P. No.22248 of 2023

The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Division I
37, Mettupalayam Road
Coimbatore at Erode

... Appellant

Vs.

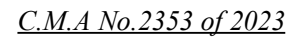
Balkees Bibi

... Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 04.08.2023 made in M.C.O.P. No.1864 of 2014 on the file of the Presiding Officer, Exclusive Motor Accidents Claims Tribunal, Tirupur.

For Appellant : Mr.M.Murali Vinodh

For Respondents : Mr.Ma.Pa.Thangavel



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<https://www.mhc.tn.gov.in/judis>



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Sl. No.	Under the Head	Calculation
4.	Expenses towards extra nourishment	Rs. 30,000/-
5.	Expenses towards attender charges	Rs. 25,000/-
6.	Expenses towards clothes and articles	Rs. 5,000/-
7.	Expenses incurred for treatment and medicines	Rs. 73,941/-
8.	Pain and suffering and loss of amenities (Rs.75,000/- + Rs.50,000/-)	Rs.1,25,000/-
	Total	Rs.6,65,341/-

2. Aggrieved by the quantum awarded by the Tribunal, the appellant is before this court.

3. The learned counsel for the appellant essentially contended that the notional income has been fixed by the Tribunal at higher level, as the accident had taken place in 2014.

4. Per contra, the learned counsel for the respondent contended, given the fact that the injuries the victim had suffered are crush injuries to her right hand, she hardly could do any function and the Tribunal has already reduced the percentage of disability from 62% as provided in Ext.C1 to 40% functional disability and the respondent/claimant demanded that it had to be increased to



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5. After hearing rival sides, this court considers it appropriate and finds that the approach of the Tribunal cannot be faulted or the quantum it had arrived.

6. In fine, this court finds no material to interfere with the order of the tribunal. Accordingly, this civil miscellaneous appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed. The appellant/transport corporation is directed to deposit the entire award amount of Rs.6,65,341/- with interest at the rate of 7.5% per annum from the date of presentation of the petition till the date of realisation, within a period of 12 weeks from the date of receipt of a copy of this judgment.

29.11.2023

Asr

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Presiding Officer,



C.M.A No.2353 of 2023

Exclusive Motor Accidents Claims Tribunal,
Tirupur.

N.SESHASAYEE, J.

Asr



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