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C.M.A.Nos.3295 to 3297 & 3300, 3301 & 3313 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Civil Miscellaneous Appeal Nos. 3295 to 3297, 3300, 3301 & 3313 of 2021
and
Civil Miscellaneous Petition Nos.18731, 18742, 18752, 18762 & 18764
& 18853 of 2021

C.M.A.No.3295 of 2021: (MCOP No.122/2017)

The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Minor Jayashree
Rep. by N.F and Mother Uma

2. Arun
[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents



C.M.A.Nos.3295 to 3297 & 3300, 3301 & 3313 of 2021

C.M.A.No.3296 of 2021: (MCOP No.121/2017)

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The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Saraswathi

2. Arun

[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents

C.M.A.No.3297 of 2021: (MCOP No.119/2017)

The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Munikrishnan

2. Arun

[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents



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C.M.A.No.3300 of 2021: (MCOP No.120/2017)

The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Uma

2. Arun

[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents

C.M.A.No.3301 of 2021:(MCOP No.124/2017)

The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Ramesh

2. Arun

[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents



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C.M.A.No.3313 of 2021: (MCOP No.123/2017)

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The Regional Manager,
Andhrapradesh State Road Transport Corporation,
Tirupathi, Chittoor District,
Andhrapradesh.

.. Appellant

Versus

1. Munikrishnan

2. Arun

[R2 remained ex-parte before Tribunal.
Hence notice to R2 dispensed with]

3. The Branch Manager,
The New India Assurance Company Limited,
No.287, R.K.Tower, 1st Floor, Opp Balaji Theatre,
Vellore – Chittoor Main Road, Katpadi,
Vellore District, Tamil Nadu.

.. Respondents

Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 25.01.2019 made in M.C.O.P. Nos. 119, 120, 121, 122, 123 and 124 of 2017, respectively, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Hosur.

For Appellant in all cases: Ms. G. V. Shoba

For R1 in all cases : Mr. C. Prabakaran

For R2 in all cases : No appearance

For R3 in all cases : Mr. J. Micheal Visuvasam

For Caveator : Mr. M. Sivakumar



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COMMON JUDGMENT

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These Civil Miscellaneous Appeals have been filed by Andhrapradesh State Road Transport Corporation against the Common Award passed in M.C.O.P. Nos. 119, 120, 121, 122, 123 & 124 of 2017, dated 25.01.2019, on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Hosur.

2. These appeals arise out of same accident and common award has been passed by the Tribunal, hence they are taken up for hearing together and disposed of by this common Judgement.

3. The parties are referred to hereunder according to their litigative status and ranking before the Tribunal.

4. The case of the claimants is that on 28.07.2014, the claimants were proceeding from Hosur to Tirupati to worship the Temple at Tirumala Hills. On 28.07.2014, they boarded a bus and reached Vellore. On the midnight of 29.07.2014, from Vellore, they boarded the Bus belongs to the 3rd respondent APSRTC bearing Registration No. AP 28 Z 6118 from Vellore to Tirupati. When the bus reached MCR Cross Road at Chittoor District, a Tata Multi Axle



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goods vehicle bearing Registration No.TN 23 AL 6814 belongs to the 1st respondent had parked it on the main road in darkness without any indication or signal lights. Since the driver of the bus could not notice it, he dashed the bus against the goods vehicle, which resulted in an accident. Due to the impact the claimants sustained severe injuries and immediately, they were admitted into the Government Hospital at Chittoor. In this regard a criminal case was also registered by the Gudipala Police in Crime No.105 of 2014 under Section 337 IPC. After discharge from the hospital, the claimants have filed respective separate claim petitions seeking compensation of Rs.20,00,000/- in MCOP No.119/2017, Rs.20,00,000/- in MCOP No.120/2017, Rs.10,00,000/-, in MCOP No.121/2017 Rs.10,00,000/- in MCOP No.122/2017, Rs.10,00,000/- in MCOP No.123/2017 and Rs.20,00,000/- in MCOP No.124/2017 respectively.

5. The third respondent in the Original Petition namely Regional Manager, APSRTC, Tirupati, filed a counter and denied the manner in which the accident had occurred. The third respondent also denied all the averments made by the claimants and contend that the claimants have to prove the age, income and avocation on their own. They also have to prove that the accident had occurred only due to the negligent driving of the driver of the bus in which



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they travelled. It is stated that the driver of the goods vehicle parked the vehicle without any sign or signal and that the driver of the third respondent could not notice it due to darkness, therefore, the third respondent bus is not responsible for the accident. The driver of the goods vehicle was not having valid driving licence at the time of accident. It is also stated that the quantum of compensation claimed by the claimants are highly excessive and prayed for dismissal of the claim petitions.

6. Based on the evidences placed on record, the Tribunal in Point No.1 has held that the accident had occurred only due to the negligent act of the driver of the 3rd respondent. The Tribunal has also quantified the compensation payable to the claimants and awarded compensation of Rs.3,37,000/- in MCOP No.119/2017 (CMA No.3297/2021), Rs.10,77,900/- in MCOP No.120/2017 (CMA No.3300/2021), a sum of Rs.2,98,180/- in MCOP No.121/2017 (CMA No.3296/2021), a sum of Rs.4,86,900/- in MCOP No.122/2017 (CMA No.3295/2021), a sum of Rs.3,64,010/- in MCOP No.123/2017 (CMA No.3313/2021) and a sum of Rs.3,63,280/- in MCOP No.124/2017 (CMA No.3301/2021).

7. Aggrieved over the quantum of compensation awarded, the Transport



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Corporation has filed these appeals challenging the negligence as well as quantum. The claimants have not filed any appeal challenging the award of the Tribunal.

8. Ms. G. V. Shoba, learned counsel for the appellant-Corporation submitted that the Tribunal, without appreciating the evidence adduced by the claimants, fixed the liability on the part of the appellant and it is not proper. She has also contended that the compensation awarded under various heads is not in accordance with the norms followed by the claims Tribunal and prays to set aside the award passed in favour of the claimants.

9. Per contra, Mr. C. Prabakaran, learned counsel for the claimants submitted that the Tribunal, based on the evidence placed on record, has held that the driver of the Transport Corporation bus has not taken due care and caution while driving at night time and hit on the stationed lorry. The Tribunal in two other claim petitions has held that the driver of the bus drove it negligently and thereby, he is responsible for the accident. Hence, in this case, the respondent - Transport Corporation is not entitled to contest the liability fixed on them.

10. I have heard the rival submissions made on both sides and also



perused records available.

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11. As far as the liability fixed by the Tribunal is concerned, it is submitted by the counsel for the Transport Corporation that there is ample evidence placed on record to show that both the vehicles involved in the accident, had contributed it and therefore liability has to be fixed equally on both the vehicles. Since the lorry belongs to the first respondent in the claim petition has been parked in the road without due care and caution and the driver of the bus belonging to the appellant corporation drove it in the night hours that too, at 12.45 a.m, midnight the bus hit on the parked lorry. Hence, the entire liability shall not be fixed on the bus.

12. On perusal of the evidence of eyewitnesses that too, injured eyewitness it is seen that they have admitted that the lorry has been parked negligently in the road, without due care and caution and driver of the bus belonging to the Corporation has also driven it in high speed and hit on the lorry. The evidence placed on record shows that both the vehicles are responsible for the accident. However, the Tribunal has rendered a finding in two other Claim Petitions, which were disposed of earlier by a Common Award marked as Ex.R1, that the driver of the appellant corporation alone is responsible for the accident and fixed the liability on the appellant. In the



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previous proceedings, concerning the very same accident, it has been held by the Tribunal that the driver of the bus has negligently driven the vehicle and hit on the lorry. This Court is of the view that it is not possible to give a different finding by deviating from the previous award passed by the Tribunal which is unchallenged by the appellant Corporation and the same is binding on the Transport Corporation. Accordingly, this Court is not inclined to modify the finding relating to the liability fixed on the Transport corporation.

13. Now this Court proceed to examine the compensation awarded to each of the claimants by the Tribunal.

14. As far the claimant - Munikrishna in C.M.A.No.3297/2021 (MCOP No.119/2017) is concerned, he was a Barber by profession and was running hair cutting saloon and was earning a sum of Rs.20,000/- per month. But there is no evidence to substantiate the same. However, the Tribunal has fixed the monthly income of the injured at Rs.10,000/- per month and fixed Rs.4,000/- per percentage of injury is proper and this Court is of the view that it is fair and reasonable and it is hereby confirmed. He has sustained "*Fracture greater tuberosity with contusion of left shoulder joint*" and the Medical Board has assessed and give a finding that he sustained 30% disability. Accordingly, the



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claimant is entitled for Rs.1,20,000/- (4000 x 30%). Similarly, there is no evidence to show that he require future medical treatment. While so, the compensation awarded under the head Future Medical Expenses is hereby set aside. The Tribunal also awarded compensation of Rs.48,000/- under the head future prospects and this Court is inclined to reject the same. As far as the compensation awarded under other heads are concerned, the same are just and reasonable and the same are hereby confirmed.

15. Thus the compensation awarded by the Tribunal under various heads to the claimant - Munikrishna in CMA No.3297/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Permanent Disability	Rs.1,20,000/-	Rs.1,20,000/-	Confirmed
2.	Transportation Charges	Rs.15,000/-	Rs.15,000/-	Confirmed
3.	Nutrition Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
4.	Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	Pain and Sufferings	Rs.30,000/-	Rs.30,000/-	Confirmed
6.	Discomfort, Frustration and loss of social enjoyment	Rs.10,000/-	Rs.10,000/-	Confirmed
7.	Partial loss of income	Rs.30,000/-	Rs.30,000/-	Confirmed
8.	Medical Bills	Rs.44,000/-	Rs.44,000/-	Confirmed
9.	Future Medical Expenses	Rs.20,000/-	---	Rejected
10.	Future Prospects	Rs.48,000/-	---	Rejected



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proper. As far as the compensation awarded under other heads are concerned, the same are just and reasonable and the same are hereby confirmed.

18. Thus the compensation awarded by the Tribunal under various heads to the claimant - Uma in CMA No.3300/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Loss of earning capacity/Disability	Rs.6,48,000/-	Rs.1,60,000/-	Reduced
2.	Transportation Charges	Rs.15,000/-	Rs.15,000/-	Confirmed
3.	Nutrition Charges	Rs.25,000/-	Rs.25,000/-	Confirmed
4.	Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	Pain and Sufferings	Rs.30,000/-	Rs.30,000/-	Confirmed
6.	Discomfort, Frustration and loss of social enjoyment	Rs.25,000/-	Rs.25,000/-	Confirmed
7.	Medical Bills	Rs.45,700/-	Rs.45,700/-	Confirmed
8.	Future Medical Expenses	Rs.20,000/-	---	Rejected
9.	Future Prospects	Rs.2,59,200/-	---	Rejected
	Total	Rs.10,77,900/-	Rs.3,10,700/-	Reduced by Rs.7,67,200/-

19. As far the claimant - Saraswathi in C.M.A.No.3296/2021 (MCOP No.121/2017) is concerned, she was a Tailor by profession and was earning a sum of Rs.12,000/- per month. But there is no evidence to substantiate the



same. However, the Tribunal has fixed the monthly income of the injured notionally at Rs.9,000/- per month and fixed Rs.4,000/- per percentage of injury and it is proper. Therefore, the amount fixed as notional income is hereby confirmed. She has sustained "*Fracture lower 3rd let ulna with contusion of forearm and lumbo sacral spine*" and the Medical Board has assessed and give a finding that she sustained 30% disability. There is no evidence placed on record to show that her injuries lead to loss of earning capacity. She has not proved her avocation. She has sustained fracture and same is healed. Accordingly, the claimant is entitled for Rs.1,20,000/- (4000 x 30%). There is no evidence to show that future medical expenses is required to the claimant and there is no functional disability suffered by the claimant warranting adoption of multiplier method and therefore, this Court is of the view that the same is to be rejected.

20. The Tribunal has awarded compensation of Rs.27,000/- under the head partial loss of income. As mentioned above, there is no functional disability suffered by the claimant and therefore awarding future medical expenses is unjustified. As far as the compensation awarded under other heads are concerned, the same are just and reasonable and the same are hereby confirmed.



21. Thus the compensation awarded by the Tribunal under various heads to the claimant - Saraswathi in CMA No.3296/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Permanent Disability	Rs.1,20,000/-	Rs.1,20,000/-	Confirmed
2.	Transportation Charges	Rs.15,000/-	Rs.15,000/-	Confirmed
3.	Nutrition Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
4.	Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	Pain and Sufferings	Rs.30,000/-	Rs.30,000/-	Confirmed
6.	Discomfort, Frustration and loss of social enjoyment	Rs.16,000/-	Rs.16,000/-	Confirmed
7.	Partial loss of income	Rs.27,000/-	---	Rejected
8.	Medical Bills	Rs.50,180/-	Rs.50,180/-	Confirmed
9.	Future Medical Expenses	Rs.20,000/-	---	Rejected
	Total	Rs.2,98,180/-	Rs.2,51,180/-	Reduced by Rs.47,000/-

22. As far the claimant - Minor Jayashree in C.M.A.No.3295/2021 (MCOP No.122/2017) is concerned, she is a minor aged about 16 years and was studying 1st year PUC Course. She suffered 35% disability. The Tribunal has awarded a lump-sum payment of Rs.4,00,000/- under the head permanent disability. In this case, there is no functional disability sustained by the claimant, she has suffered only “undisplaced fracture 4th metacarpal of right



hand with small abrasion over face” and the Medical Board has assessed and give a finding that she suffered 35% disability. The injury sustained is healed and injury also is only fracture in hand. It has not incapacitated her from doing her regular works. Therefore, this Court is inclined to grant Rs.4,000/- per percentage of injury and accordingly, the claimant is entitled for Rs.1,40,000/- (4000 x 35%) under the head disability.

23. The compensation awarded by the Tribunal for a sum of Rs.25,000/- under the head Discomfort, inconvenience and loss of earnings in favour of the minor claimant appears to be wholly justified and reasonable and the same is hereby confirmed. The Tribunal has not awarded any amount towards pain and sufferings and extra nourishment. Taking note of the age of the minor claimant and the injury she suffered, this Court is inclined to award a sum of Rs.50,000/- for the head Pain and Sufferings and also a sum of Rs.15,000/- under the head Extra Nourishment. Since the minor claimant has undergone treatment as in-patient for nearly one month, this Court is inclined to grant 2 months income i.e., a sum of Rs.20,000/- (10,000 x 2 months) under the head Loss of Education and Attender Charges.

24. Thus the compensation awarded by the Tribunal under various heads



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to the claimant Minor - Jayashree in CMA No.3295/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Permanent Disability	Rs.4,00,000/-	Rs.1,40,000/-	Reduced
2.	Discomfort, Frustration and loss of social enjoyment	Rs.25,000/-	Rs.25,000/-	Confirmed
3.	Medical expenses during treatment period	Rs.36,900/-	Rs.36,900/-	Confirmed
4.	Future Medical Expenses	Rs.25,000/-	Rs.25,000/-	Confirmed
5.	Pain and Sufferings	---	Rs.50,000/-	Granted
6.	Extra Nourishment	---	Rs.15,000/-	Granted
7.	Attender Charges & Loss of Education	---	Rs.20,000/-	Granted
	Total	Rs.4,86,900/-	Rs.3,11,900/-	Reduced by Rs.1,75,000/-

25. As far the claimant - Munikrishna in C.M.A.No.3313/2021 (MCOP No.123/2017) is concerned, he was a Barber by profession and was running hair cutting saloon. He claims to be earning a sum of Rs.15,000/- per month but there is no evidence to substantiate the same. However, the Tribunal has fixed the monthly income of the injured notionally at Rs.10,000/- per month and fixed Rs.4,000/- per percentage of injury which is proper and therefore, the same is hereby confirmed.

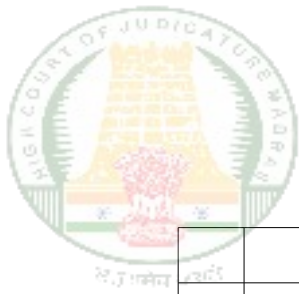


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26. He has sustained “*Fracture base of 5th metacarpal with facial injury*” and the Medical Board has assessed and give a finding that he suffered 35% disability. Accordingly, the claimant is entitled for Rs.1,40,000/- (4000 x 35%). There is no evidence to show that the injuries suffered by the claimant required future medical expenses. There is no functional disability suffered by the claimant warranting adoption of multiplier method and therefore, the same is to be rejected. The Tribunal has awarded compensation for a sum of Rs.48,000/- under the head future prospects as mentioned above there is no functional disability suffered by the claimant and therefore loss of future prospects will not arise in this case and therefore, it is hereby rejected. As far as the compensation awarded under other heads are concerned, the same are just and reasonable and the same are hereby confirmed.

27. Thus the compensation awarded by the Tribunal under various heads to the claimant - Munikrishna in CMA No.3313/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or
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				reduced
1.	Permanent Disability	Rs.1,40,000/-	Rs.1,40,000/-	Confirmed
2.	Transportation Charges	Rs.15,000/-	Rs.15,000/-	Confirmed
3.	Nutrition Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
4.	Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	Pain and Sufferings	Rs.30,000/-	Rs.30,000/-	Confirmed
6.	Discomfort, Frustration and loss of social enjoyment	Rs.10,000/-	Rs.10,000/-	Confirmed
7.	Partial loss of income	Rs.30,000/-	Rs.30,000/-	Confirmed
8.	Medical Bills	Rs.43,010/-	Rs.43,010/-	Confirmed
9	Future Medical Expenses	Rs.20,000/-	---	Rejected
10	Future Prospects	Rs.48,000/-	---	Rejected
	Total	Rs.3,64,010/-	Rs.2,88,010/-	Reduced by Rs.76,000/-

28. As far the claimant - Ramesh in C.M.A.No.3301/2021 (MCOP No.124/2017) is concerned, he was a Barber by profession and was running hair cutting saloon and said to be earning a sum of Rs.20,000/- per month. However, there is no evidence produced to substantiate the same. The Tribunal has however fixed the monthly income of the injured notionally at Rs.10,000/- per month and fixed Rs.4,000/- per percentage of injury which is proper and the same is hereby confirmed. He has sustained “*Tibial spine fracture with haemarthrosis of right knee*” and the Medical Board has assessed and give a finding that he suffered 30% disability. Accordingly, the claimant is entitled for Rs.1,20,000/- (4000 x 30%).



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29. There is no evidence to show that the injuries suffered by the claimant require future medical expenses and there is no functional disability suffered by the claimant warranting adoption of multiplier method. Therefore, the amount awarded under the head future medical expenses is hereby rejected. The Tribunal has awarded compensation for a sum of Rs.48,000/- under the head future prospects, as mentioned above there is no functional disability suffered by the claimant and therefore loss of future prospects will not arise in this case and therefore, the amount awarded thereof is hereby rejected. The Tribunal has awarded Rs.50,000/- under the head Pain and Sufferings, considering the nature of injury, the compensation under this head is higher side and modified to Rs.30,000/-. As far as the compensation awarded by the Tribunal under other heads are concerned, the same are just and reasonable and the same are hereby confirmed.

30. Thus the compensation awarded by the Tribunal under various heads to the claimant - Ramesh in CMA No.3301/2021 is hereby modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Permanent Disability	Rs.1,20,000/-	Rs.1,20,000/-	Confirmed
2.	Transportation Charges	Rs.15,000/-	Rs.15,000/-	Confirmed



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3.	Nutrition Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
4.	Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	Pain and Sufferings	Rs.50,000/-	Rs.30,000/-	Reduced
6.	Discomfort, Frustration and loss of social enjoyment	Rs.10,000/-	Rs.10,000/-	Confirmed
7.	Partial loss of income	Rs.30,000/-	Rs.30,000/-	Confirmed
8.	Medical Bills	Rs.50,280/-	Rs.50,280/-	Confirmed
9.	Future Medical Expenses	Rs.20,000/-	---	Rejected
10.	Future Prospects	Rs.48,000/-	---	Rejected
	Total	Rs.3,63,280/-	Rs.2,75,280/-	Reduced by Rs.88,000/-

31. In the result,

(1) CMA No.3297/2021 is partly allowed and the compensation awarded by the Tribunal at Rs.3,37,000/- is hereby reduced to Rs.2,69,000/- [Rupees Two Lakhs and Sixty Nine Thousand only] together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(2) CMA No.3300/2021 is partly allowed and the compensation awarded by the Tribunal is at Rs.10,77,900/- is hereby reduced to Rs.3,10,700/- [Rupees Three Lakhs Ten Thousand and Seven Hundred only] together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(3) CMA No.3296/2021 is partly allowed and the compensation



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awarded by the Tribunal is at Rs.2,98,180/- is hereby reduced to Rs.2,51,180/-

[Rupees Two Lakhs Fifty One Thousand One Hundred and Eighty only]

together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(4) CMA No.3295/2021 is partly allowed and the compensation awarded by the Tribunal is at Rs.4,86,900/- is hereby reduced to Rs.3,11,900/- [Rupees Three Lakhs Eleven Thousand and Nine Hundred only] together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(5) CMA No.3313/2021 is partly allowed and the compensation awarded by the Tribunal is at Rs.3,64,010/- is hereby reduced to Rs.2,88,010/- [Rupees Two Lakhs Eighty Eight Thousand and Ten only] together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(6) CMA No.3301/2021 is partly allowed and the compensation awarded by the Tribunal is at Rs.3,63,280/- is hereby reduced to Rs.2,75,280/- [Rupees Two Lakhs Seventy Five Thousand Two Hundred and Eighty only] together with interest at the rate of 7.5% per annum from the date of Claim Petition till the date of deposit.

(7) The third respondent/Transport Corporation is directed to



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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 weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.Nos.122 of 2017, 121 of 2017, 119 of 2017, 120 of 2017, 124 of 2017, 123 of 2017, respectively, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Hosur. On such deposit, claimants are permitted to withdraw their respective share of the award amount, now determined by this Court, along with proportionate interest and costs, less the amount if any, already withdrawn. The share of the minor claimant in CMA No.3295/2021 is directed to be deposited in any one of the Nationalized Banks, till she attains majority. On such deposit, the claimant in CMA No.3300/2021, being the mother of the minor claimant is permitted to withdraw the accrued interest once in three months for the welfare of the minor claimant. The third respondent – Transport Corporation is permitted to withdraw the award amount if any, lying in the credit of M.C.O.P.Nos.122 of 2017, 121 of 2017, 119 of 2017, 120 of 2017, 124 of 2017, 123 of 2017, respectively, if the award amount has already been deposited by them. In other aspects, the award of the Tribunal shall stand confirmed. There shall be no order as to costs in the present appeals. Consequently, the connected miscellaneous petitions stand closed.



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23.11.2023

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Index : Yes / No

Speaking Order: Yes / No

Neutral Citation Case : Yes/No

To

1.The Additional District Judge,
Motor Accidents Claims Tribunal,
Hosur.

2.The Section Officer,
VR Section,

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



High Court,
Madras.

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K.RAJASEKAR,J.,

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