



C.M.A No.2631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM

MR.JUSTICE N.SESHASAYEE

C.M.A. No.2631 of 2023

D.Sampath

... Appellant

Vs.

The Managing Director
State Express Transport Corporation Ltd.,
Pallavan Salai, chennai-3

... Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 23.01.2023 in M.C.O.P. No.4181 of 2017 on the file of Motor Accident Claims Tribunal (IV Small Causes Court Judge), Chennai.

For Appellant : Mr.S.Udhayakumar

For Respondents : Mr.Raghuraman



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1. Disability	: Rs.25,000/-
2. Medical Expenses	: Rs.51,034/-
3. Pain and suffering	: Rs.20,000/-
4. Transportation Expenses	: Rs. 5,000/-
5. Nutrition Expenses	: Rs.10,000/-
6. Damages to clothes	: Rs. 1,000/-
7. Attender charges	: Rs.20,500/-
8. Loss of amenities	: Rs.15,000/-

	: Rs.1,47,534/-

3. Aggrieved by the inadequacy of the compensation, the victim is now before this court with this appeal.

4. Heard both sides and perused the materials available on record.

5. Learned counsel for the appellant submitted that the Tribunal had awarded a lump-sum amount of Rs.25,000/- for victim's partial permanent disability of 20%, which works out little over Rs.1,000/- per percentage of disability. He



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also submitted that the compensation paid under other conventional heads is also unrealistically low.

6. On a careful scrutiny of the award, this court finds that there is merit in the contention of the appellant. This court, accordingly, chooses to make necessary modification in the same award, to make the award just, fair and reasonable and the details are provided in the tabulation below:

<i>Sl. No.</i>	<i>Head</i>	<i>Amount awarded (in Rs.)</i>
1	Disability (Rs.4,000/- x 20)	80,000/-
2	Medical Expenses	51,034/-
3	Pain and suffering	50,000/-
4	Transportation Expenses	15,000/-
5	Nutrition Expenses	25,000/-
6	Damages to clothes	1,000/-
7	Attender charges	25,000/-
8	Loss of amenities	15,000/-
	Total	2,62,034/-



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7. In fine, this court partially allows the appeal and enhances the compensation payable to the appellant/claimant from Rs.1,47,534/- to Rs.2,62,034/-. The respondent is stated to have deposited the sum awarded by the Tribunal before the Tribunal. It is now required to deposit the differential sum with interest at the rate of 7.5% within a period of ten weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is entitled to withdraw the entire sum. No costs.

20.12.2023

Asr

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Motor Accident Claims Tribunal,
(IV Small Causes Court Judge), Chennai.



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N.SESHASAYEE, J.

Asr

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