



C.M.A.No.1031 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A.No.1031 of 2023

K.Gunasekaran

.. Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai- 600 002.

.. Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 27.07.2021 made in M.C.O.P.No.4787 of 2018 on the file of the Motor Accident Claims Tribunal, (IV Small Causes Court, Chennai).

For Appellant : Mr.K.Varadha Kamaraj

For Respondent : Mr.M.Murali Vinodh
Standing Counsel

J U D G M E N T

This Civil Miscellaneous Appeal has been filed for enhancement of



compensation granted by the award dated 23.04.2019 made in M.C.O.P.No.4787 of 2018 on the file of the Motor Accident Claims Tribunal, (IV Court of Small Causes, Chennai).

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2.The appellant is the claimant in M.C.O.P.No.4787 of 2018 on the file of the Motor Accident Claims Tribunal (IV Small Causes Court), Chennai. He filed the above said claim petition, claiming a sum of Rs.30,00,000/- as compensation on account of the injuries sustained by him in an accident that took place on 20.05.2018.

3.The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the MTC bus bearing registration No.TN-01-N-7380, belonging to the respondent-Corporation and directed the Respondent to pay a sum of Rs.25,12,535/- as compensation to the appellant/claimant.

4.Not being satisfied with the amounts awarded by the Tribunal, the appellant has come out with the present appeal seeking enhancement of compensation.



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5. The learned counsel appearing for the 2nd respondent-Insurance Company submitted that the Claims Tribunal, after considering oral and documentary evidence, has rightly awarded the compensation under various heads and therefore the same does not warrant any interference.

6. Though several grounds have been raised in this Appeal, the learned counsel for the Appellant fairly submitted that the compensation awarded towards Pain and Suffering, Attender Charges and Loss of Amenities may be enhanced.

7. Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the respondent-Transport Corporation and perused the entire materials on record.

8. The accident is of the year 2018. Considering the year of the accident, age of the claimant, which is around 68 years, definitely the necessity of attendar to take care of the injured arises and the nature of injuries sustained by the claimant would necessitate the need for attendar to look after him and, therefore, the expenses towards attendar have to be



enhanced, as the compensation awarded by the Tribunal towards attendar charges is low. For the above reason, the nature of injuries shows the pain and suffering that would have been suffered by the claimant, and the compensation under the said head also requires to be enhanced. The compensation under loss of amenities also being low, requires enhancement. Accordingly, this Court enhances the compensation awarded towards ***Pain and Suffering, Attender Charges*** and ***Loss of Amenities*** to ***Rs.75,000/-***, ***Rs.75,000/-*** and ***Rs.50,000/-*** respectively.

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Functional Disability	6,00,000/-	6,00,000/-	Confirmed
2.	Medical Expenses	17,43,535/-	17,43,535/-	Confirmed
3.	Pain and Suffering	50,000/-	75,000/-	Enhanced
4.	Transportation expenses	10,000/-	10,000/-	Confirmed
5.	Additional Nourishment	50,000/-	50,000/-	Confirmed
6.	Damages to clothes	1,000/-	1,000/-	Confirmed
7.	Attender Charges	28,000/-	75,000/-	Enhanced
8.	Loss of Amenities	30,000/-	50,000/-	Enhanced
	Total	Rs.25,12,535/-	Rs.26,04,535/-	Enhanced by Rs.92,000/-

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.25,12,535/- is hereby



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enhanced to Rs.26,04,535/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The Respondent-Transport Corporation is directed to 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.No.4787 of 2018 on the file of the Motor Accidents Claims Tribunal (IV Court of Small Causes), Chennai. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of **three weeks**. The claimant is directed to pay necessary Court fee, if any on the enhanced compensation. However, it is made clear that if there is any delay in filing the C.M.A. and in case of any earlier order by this Court, depriving interest for the period of delay in question, the interest portion for that period should be excluded for the purpose of granting interest. No costs.

14.02.2024

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Index : Yes / No

Internet : Yes / No



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To

1. The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai- 600 002.
2. The Motor Accidents Claims Tribunal,
(VI Court of Small Causes), Chennai.
3. The Section Officer,
VR Section,
High Court,
Madras.

KRISHNAN RAMASAMY, J.



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