



C.M.A.No.1433 of 2024
and C.M.P.No.12424 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1433 of 2024
and
C.M.P.No.12424 of 2024

The Chief Engineer / Agri. Engineer,
C/o. Assistant Executive Engineer,
Vengikkal Village and Post,
Thiruvannamalai Taluk and District.

... Appellant

Vs

1. K.Selvam

2. K.Saravanan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated 08.07.2022 in M.C.O.P.No.102/2012 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Attur.

For Appellant : Mr.B.Tamilnidhi,
Special Government Pleader (CS)

For R1 : Mr.R.Nalliyappan



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JUDGMENT

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Questioning the quantum of compensation awarded by the Tribunal, the present appeal is filed by the Chief Engineer, Agricultural Department.

2. The first respondent K.Selvam filed the claim petition in M.C.O.P.102/2012 before the Motor Accidents Claims Tribunal, Attur under Section 166 of the Motor Vehicles Act, seeking compensation of Rs.5,00,000/- for the injuries sustained by him in a road accident that took place on 22.02.2012.

3. The brief case of the appellants / claimants is as follows :

On 22.02.2012, the first respondent was riding his two wheeler bearing Registration number TN-54-X-3486 on Attur -Rasipuram main road. At that time, a harvester vehicle bearing Registration number TN-25-G-0309 belonging to the appellant came in the opposite direction and hit the two wheeler driven by the claimant, as a result of which, the claimant sustained injuries all over his body. He was immediately rushed to



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Government Hospital, Attur and thereafter he was referred to Government Mohan Kumaramangalam Medical College Hospital, Salem. Subsequently, he got admitted himself as an inpatient in Kurinji Hospital, Salem.

4. According to the claimant, the rash and negligent driving of the driver of the harvester vehicle bearing Registration number TN-25-G-0309 belonging to the appellant department was the cause of the accident and therefore they are liable to pay compensation to him.

5. In the Tribunal, the second respondent (driver) remained absent and was set *ex parte*. The appellant, Chief Engineer / Agricultural Department, contested the claim petition by filing a counter.

6. The Tribunal after analysing the evidence on record, awarded compensation of Rs.4,43,058/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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7. Aggrieved over the quantum of compensation awarded by the Tribunal, the present appeal is filed by the the appellant, the Chief Engineer, Agricultural Department under Section 173 of the Motor Vehicles Act, 1988.

8. Heard Mr.B.Tamilnidhi, learned counsel for the appellant and Mr.R.Nalliyappan, learned counsel for the first respondent, the claimant.

9. Mr.B.Tamilnidhi, learned counsel appearing for the appellant would contend that the Tribunal had fixed Rs.5,000/- per percentage of the disability for the accident that took place in the year 2012 and the same is on the higher side. He, therefore prayed for scaling down the compensation.

10. Per contra, Mr.R.Nalliyappan, learned counsel appearing for the claimant contended that the Tribunal had taken into consideration of the disability sustained by the claimant and awarded a just compensation and therefore, the same need not be disturbed.



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11. The Medical Board attached to the Government Mohan Kumaramangalam Medical College Hospital, Salem had issued the disability certificate stating that the claimant has sustained partial permanent disability to the extent of 40%. The Tribunal had fixed Rs.5,000/- per percentage which appears to be on the higher side. In the facts and circumstances, this Court is of the opinion that fixing a sum of Rs.3,000/- per percentage of disability would meet the ends of justice. The compensation under the other heads shall remain intact.

12. The award passed by the Tribunal under various heads is modified as stated below:

<i>S.No.</i>	<i>Heads</i>	<i>Amount</i>
1	Partial Permanent Disability (40% X 3,000)	Rs.1,20,000/-
2	Loss of Amenities	Rs.50,000/-
3.	Extra Nourishment	Rs.10,000/-
4.	Pain and Suffering	Rs.50,000/-
5.	Future Medical Expenses	Rs.15,000/-
6.	Medical Expenses (Ex.P4)	Rs.1,12,058/-
7.	Attender charges	Rs.5,000/-
8.	Damage to Clothes	Rs.1,000/-
	Total	Rs.3,63,058/-



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13. Thus, the compensation awarded by the Tribunal is scaled down from Rs.4,43,058/- to Rs.3,63,058/- which would carry interest at the rate of 7.5% per annum.

14. In the result,

- i. The Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.
- ii. The compensation awarded by the Tribunal is hereby scaled down to Rs.3,63,058/-.
- iii. The appellant, Chief Engineer, Agricultural Department is directed to deposit the modified award amount i.e. Rs.3,63,058/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order / uploading of this order to the credit of M.C.O.P.No.102/2012 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Attur.



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iv. On such deposit being made the claimant / first respondent is permitted to withdraw the same with accrued interest and costs, after following due process of law.

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Index : Yes/No
Speaking / Non-speaking order
vum

To

1. Motor Accidents Claims Tribunal,
Subordinate Court, Attur.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R. HEMALATHA, J.

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