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C.R.P.(NPD).Nos.1724, 1726, 1729, 1734, 1736,
1737, 1738, 1740, 1741 and 1742 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**C.R.P.(NPD).Nos.1724, 1726, 1729, 1734, 1736,
1737, 1738, 1740, 1741 and 1742 of 2020**

C.R.P.(NPD).Nos.1724 of 2020:

Devaki

... Petitioner

VS

1.S.Sureshkumar

2.The Divisional Manager,
The New India Assurance Company Limited,
No:1, Officers Line, 2nd Floor,
Commercial Complex,
C.S.I., Building, Vellore.

3.V.Thanikachalam

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the judgement and decree by Special Motor Accident Claims Tribunal, Tiruvannamalai, dated 09.02.2016, made in M.C.O.P.No.258 of 2014 and enhance the compensation.

For Petitioners : Ms.P.Pooja



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for M/s.K.Varadhakamaraj
(in all CRPs)

For R2 : Mr.S.Dhakshnamoorthy
(in all CRPs)

For R1 and R3 : No Appearance
(in all CRPs)

COMMON ORDER

These Civil Revision Petitions are filed challenging the award passed by the Special Motor Accident Claims Tribunal seeking enhancement of the compensation amount.

2. The petitioners in all these civil revision petitions travelled in a mini bus belonged to respondents 1 and 3. The bus came near Chitheri Lake, the accident had occurred on 11.05.2012 at about 11.30 a.m. All the petitioners suffered injuries as a result of accident.

3. It is seen from the records the petitioners in C.R.P.(NPD).No.1740 of 2020 suffered grievous injury and the injuries suffered by petitioners in other civil revision petitions are simple in nature. As seen from Exs.P4 and P11, the



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petitioner in C.R.P.(NPD).No.1740 of 2020 suffered fracture in the left wrist portion and as a consequence, he suffered permanent disability and the Tribunal assessed the disability percentage at 35% and awarded a sum of Rs.1,05,000/- at the rate of Rs.3,000/- per disability. The Tribunal also awarded a sum of Rs.6,900 under medical expenses based on the documents. However, the Tribunal has not awarded any amount towards attendant charges. Therefore, this Court is inclined to grant a sum of Rs.5,000/- towards attendant charges, a sum of Rs.20,000/- awarded under the head 'Pain and Sufferings' is enhanced to Rs.25,000/-. Therefore, overall compensation amount is enhanced by Rs.10,000/- (Rs.5,000/- towards attended charges and Rs.5,000/- towards pain and sufferings) and petitioner is entitled to Rs.1,46,900/- instead of Rs.1,36,900/- as ordered by Tribunal.

4. The petitioner in C.R.P.(NPD).No.1724 of 2020 suffered a simple injury. As per the Accident Register-Ex.P17 maintained by Government Hospital, Tiruvannamalai, the nature of the injury suffered by the petitioner is very simple and taking into consideration the facts and circumstances of the case, the sum of Rs.5,000/- awarded by the Tribunal towards pain and



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sufferings is enhanced to Rs.15,000/-.

5. The petitioner in C.R.P.(NPD).No.1737 of 2020 suffered a simple injury and hence, the Tribunal awarded a sum of Rs.5,000/- as compensation. It was observed by the Tribunal under Ex.P20-Accident Register issued by the Government Hospital, Tiruvannamalai, the petitioner suffered headache as a consequence of injury suffered by him. In these circumstances, by taking into consideration the facts and circumstances of the case, the compensation awarded by the Tribunal is enhanced from Rs.5,000/- to Rs.15,000/-.

6. The petitioner in C.R.P.(NPD).No.1738 of 2020 appeared to have suffered a simple injury. It is seen from the records that as per the Accident Register-Ex.P22 issued by the Government Hospital, Tiruvannamalai, the petitioner suffered abrasion injury in his right finger. Therefore, taking into consideration the facts and circumstances of the case, the compensation amount awarded by the Tribunal is enhanced from Rs.5000 to Rs.15,000/-.

7. The petitioner in C.R.P.(NPD).No.1741 of 2020 has suffered a



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simple injury as a result of the accident. As per the Accident Register maintained by the Tiruvannamalai Government Hospital marked as Ex.P12, the petitioner had not suffered any external injury. But having regard to the fact petitioner met with an accident and he had taken treatment from hospital, taking into consideration the drama undergone by the petitioner due to accident, compensation amount of Rs.4,000/- awarded by the Tribunal is enhanced to Rs.14,000/-.

8. The petitioner in C.R.P.(NPD).No.1742 of 2020 suffered a simple injury due to the accident. As per the Accident Register maintained by Thiruvannamalai Government Hospital marked as Ex.P9, the petitioner suffered complete pain in her left leg, hip and head due to accident. Having regard to the nature of injury suffered by her, pain and drama, the compensation amount of Rs.10,000/- awarded by the Tribunal is enhanced to Rs.20,000/- (Rs.3,000/- towards medical expenses + Rs.17,000/- towards pain and sufferings).

9. The petitioner in C.R.P.(NPD).No.1736 of 2020 also suffered only a



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simple injury. As per the Accident Register/Ex.P23 maintained by the Tiruvannamalai Government Hospital, she suffered abrasion injury on the left hand and right shoulder. Having regard to the pain and sufferings undergone by the petitioner along with drama, the compensation amount of Rs.6,000/- awarded by the Tribunal is enhanced to Rs.16,000/-.

10. The petitioner in C.R.P.(NPD).No.1726 of 2020 also suffered only a simple injury. As per Ex.P8 maintained by Government Hospital, Tiruvannamalai, the petitioner suffered injury and pain on the right shoulder due to the accident. Having regard to the pain and sufferings and drama due to accident, the compensation amount of Rs.6,000/- awarded by the Tribunal is enhanced to Rs.16,000/-.

11. The petitioner in C.R.P.(NPD).No.1729 of 2020 also suffered a simple injury. As per the Accident Register-Ex.P13 maintained by the Government Hospital, Tiruvannamalai, she suffered injury in neck, back pain and pain in left hand, having regard to the drama, pain and sufferings caused by accident, compensation amount of Rs.5,000/- awarded by the Tribunal is



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enhanced to Rs.15,000/-.

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12. The petitioner in C.R.P.(NPD).No.1734 of 2020 also suffered a simple injury. As per Ex.P19-Accident Register maintained by the Tiruvannamalai Government Hospital, she suffered injury on the right hand. Having regard to the drama, pain and sufferings due to the accident, the compensation amount of Rs.6,000/- awarded by the Tribunal is enhanced to Rs.16,000/-.

13. The learned counsel appearing for the 2nd respondent/Insurance Company submitted that these civil revision petitions are filed under Article 227 of the Constitution of India nearly after four years from the date of award passed by the Tribunal. It is seen from the records, the Tribunal passed its award on 09.02.2016 and the civil revision petitions were filed before this Court only on 10.03.2020.

14. In such circumstances, the petitioners are not entitled to any interest



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for a period from 09.02.2016 to 10.03.2020. It is also seen from the award passed by the Tribunal that the 2nd respondent is directed to pay the compensation amount and recover the same from the owner of the vehicle. The said direction issued by the Tribunal is confirmed.

15. Accordingly, the Civil Revision Petitions are disposed of. No costs.

29.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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The Special Motor Accident Claims Tribunal,
Tiruvannamalai.



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S.SOUNTHAR, J.

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