



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA Nos.863, 865, 866, 867, 868 & 869 of 2024

CMA No.863 of 2024

N.Sivagami

..Appellant

.VS.

The Managing Director
TNSTC (Kum) Ltd.,
Karaikudi

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and Decree dated 29.10.2021 and made in MACTOP No.9207 of 2015 on the file of the Motor Accident Claims Tribunal, Chennai (Principal Special Judge, Special Court under EC & NDPS Act, Chennai – 104).

For Appellant : Ms.A.Subadra
in all CMS

For Respondent : Mr.M.Muralivinodh
in all CMS

COMMON JUDGMENT

The issue involved in all these appeals are common and hence, they are taken up together, heard and disposed of through this common judgment.



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2.The claimants were travelling in a car on 12.07.2015 at about 23.45 hours and when the car was moving from Trichy to Karaikudi, the bus belonging to the respondent Corporation was driven in a rash and negligent manner and it dashed on the car and all the six occupants of the car sustained grievous injuries. It is under these circumstances, six claim petitions have been filed before the Tribunal seeking for compensation.

3.The Tribunal passed a common Award in all the claim petitions, dated 29.10.2021. The claimants not being satisfied with the quantum of compensation fixed by the Tribunal, have filed these appeals before this Court.

4.The Tribunal came to a categoric conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver belonging to the Transport Corporation. Having come to such a conclusion, the Tribunal proceeded to decide the compensation and fixed the following compensation:

In MCOP No.9207 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,20,000
2.	Loss of Earnings	21,000
3.	Pain and Suffering, Extra	15,000



S.No	Heads	Amount in Rs.
	Nourishment and Medical Transportation	
4.	Medical Expenses	67,150
	Total Compensation	2,23,150

In MCOP No.9208 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	45,000
2.	Loss of Earnings	14,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	408
	Total Compensation	74,408

In MCOP No.8981 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,20,000
2.	Loss of Studies	20,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	14,850
	Total Compensation	1,69,850

In MCOP No.9209 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,20,000
2.	Loss of Earnings	30,000



S.No	Heads	Amount in Rs.
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	---
	Total Compensation	1,65,000

In MCOP No.8980 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,05,000
2.	Loss of Studies	20,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	2,250
	Total Compensation	1,42,250

In MCOP No.8982 of 2015

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,35,000
2.	Loss of Earnings	30,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	---
	Total Compensation	1,80,000

5. Heard Ms.A.Subadra, learned counsel appearing on behalf of the appellants
<https://www.mhc.tn.gov.in/judis>



and Mr.M.Muralivinodh, learned counsel appearing on behalf of the respondent.

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6.The main ground that was urged by the learned counsel for the appellants is that the accident had taken place in the year 2015 and the Tribunal has fixed the notional monthly income at Rs.3,000/- per percentage of disability suffered by the claimants. It was submitted that this notional income fixed by the Tribunal is on a lower side.

7.In the considered view of this Court, considering the fact that the accident had taken place in the year 2015 and also considering the judgement of the Division Bench in CMA No.3334 of 2021 dated 15.06.2022, this Court is inclined to increase the notional monthly income from Rs.3000/- to Rs.5000/-. Insofar as the compensation that has been fixed under the other heads, this Court does not find any ground to interfere with the same.

8.In the light of the above discussion, the compensation in each appeal is fixed as follows:

In CMA No.863 of 2024

S.No	Heads	Amount in Rs.
1.	Permanent Disability	2,00,000
2.	Loss of Earnings	21,000



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S.No	Heads	Amount in Rs.
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	67,150
	Total Compensation	3,03,150

In CMA No.865 of 2024

S.No	Heads	Amount in Rs.
1.	Permanent Disability	75,000
2.	Loss of Earnings	14,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	408
	Total Compensation	1,04,408

In CMA No.866 of 2024

S.No	Heads	Amount in Rs.
1.	Permanent Disability	2,00,000
2.	Loss of Studies	20,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	14,850
	Total Compensation	2,49,850

In CMA No.867 of 2024



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S.No	Heads	Amount in Rs.
1.	Permanent Disability	2,00,000
2.	Loss of Earnings	30,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	---
	Total Compensation	2,45,000

In CMA No.868 of 2024

S.No	Heads	Amount in Rs.
1.	Permanent Disability	1,75,000
2.	Loss of Studies	20,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	2,250
	Total Compensation	2,12,250

In CMA No.869 of 2024

S.No	Heads	Amount in Rs.
1.	Permanent Disability	2,25,000
2.	Loss of Earnings	30,000
3.	Pain and Suffering, Extra Nourishment and Medical Transportation	15,000
4.	Medical Expenses	---
	Total Compensation	2,70,000



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12. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

(a) The compensation awarded by the tribunal in CMA No.863 of 2024 at Rs.2,23,150/- is enhanced to Rs.3,03,150/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.3,03,150/- less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.80,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 441 days as was ordered by this Court in C.M.P.No.1470 of 2024, dated 18.03.2024.

(b) The compensation awarded by the tribunal in CMA No.865 of 2024 at Rs.74,408/- is enhanced to Rs.1,04,408/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.1,04,408/- , less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced



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compensation of Rs.30,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 441 days as was ordered by this Court in C.M.P.No.1436 of 2024, dated 18.03.2024.

(c) The compensation awarded by the tribunal in CMA No.866 of 2024 at Rs.1,69,850/- is enhanced to Rs.2,49,850/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.2,49,850/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.80,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 441 days as was ordered by this Court in C.M.P.No.1543 of 2024, dated 18.03.2024.

(d) The compensation awarded by the tribunal in CMA No.867 of 2024 at Rs.1,65,000/- is enhanced to Rs.2,45,000/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.2,45,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.80,000/- is concerned, the appellant/claimant will not be



entitled for interest for the period of delay period of 441 days as was ordered by this Court in C.M.P.No.1459 of 2024, dated 18.03.2024.

(e) The compensation awarded by the tribunal in CMA No.868 of 2024 at Rs.1,42,250/- is enhanced to Rs.2,12,250/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.2,12,250/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.70,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 441 days as was ordered by this Court in C.M.P.No.1511 of 2024, dated 18.03.2024.

(f) The compensation awarded by the tribunal in CMA No.869 of 2024 at Rs.1,80,000/- is enhanced to Rs.2,70,000/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.2,70,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.90,000/- is concerned, the appellant/claimant will not be

entitled for interest for the period of delay period of 441 days as was ordered



by this Court in C.M.P.No.1545 of 2024, dated 18.03.2024.

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13.The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14.These Civil Miscellaneous Appeals are disposed of in the above terms. No costs.

05.04.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident Claims Tribunal, Chennai
(Principal Special Judge, Special Court under EC & NDPS Act, Chennai – 104).



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N. ANAND VENKATESH., J

SSR

CMA Nos.863, 865, 866, 867, 868 & 869 of 2024

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