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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.245 & 1141 of 2021

and

C.M.P(MD)Nos. 2235 & 8057 of 2021

C.M.A(MD)No.245 of 2021

1. The Director of Fire and Rescue Services,
Chennai, Tamil Nadu,
DYD, Fire Rescue Services,
Western Region, Coimbatore.

2. The Government of Tamil Nadu,
Represented by the District Collector,
Having his Office at Kokkirakulam,
Tirunelveli.

... Appellants

Vs.

Balamurugan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgment passed in MCOP No.836 of 2016 dated 13.12.2019 on the file of the Motor Accidents Claims Tribunal cum Special Sub Court, Tirunelveli and allow the Civil Miscellaneous Appeal.

For Appellants	: M/s.S.Jeya Priya, Government Advocate
For Respondent	: Mr.T.Selvakumarn



C.M.A(MD)No. 1141 of 2021

Balamurugan

... Appellant

Vs.

1. The Director of Fire and Rescue Services,
Chennai, Tamil Nadu,
DYD, Fire Rescue Services,
Western Region, Coimbatore.

2. The Government of Tamil Nadu,
Represented by the District Collector,
Having his Office at Kokkirakulam,
Tirunelveli.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree and judgment passed in MCOP No.836 of 2016 dated 13.12.2019 on the file of the Motor Accidents Claims Tribunal cum Special Sub Court, Tirunelveli and allow the Civil Miscellaneous Appeal.

For Appellant : Mr.T.Selvakumarn

For Respondents :M/s.S.Jeya Priya,
Government Advocate

JUDGEMENT

C.M.A(MD)No.245 of 2021 has been filed by the Government and C.M.A(MD)No.1141 of 2021 has been filed by the claimants against the Decree and Judgment passed in M.C.O.P No.836 of 2016 dated 13.12.2019 on the file of the Motor Accidents Claims Tribunal cum Special Sub Court, Tirunelveli.



2. It is a case of injury. The contention of the claimant is that it is a head on collision and the injured has suffered 30% partial and permanent disability and the is not able to walk. Therefore, the compensation granted under the head of pain and suffering ought to be increased. It is seen that the Tribunal has fixed for pain and suffering for a sum of Rs.35,000/- and for loss of convenience is Rs.25,000/-. Since the injured is not able to walk until now, this Court is inclined to grant a sum of Rs.70,000/- under the head of pain and suffering. As far as loss of convenience is concerned this Court is granting a sum of Rs.50,000/-. The compensation granted under the other heads are confirmed.

3. Accordingly, the claimant is entitled for compensation as follows:

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	this Court	
1.	For permanent disability	Rs. 1,40,000/-	Rs.1,40,000/-	Confirmed
2.	For Medical Bills	Rs. 3,28,015/-	Rs. 3,28,015/-	Confirmed
3.	For Attendance charges	Rs. 5,000/-	Rs. 5,000/-	Confirmed
4.	For Pain and suffering	Rs. 35,000/-	Rs. 70,000/-	Enhanced
5.	For Transport to Hospital	Rs. 5,000/-	Rs. 5,000/-	Confirmed
6.	For Extra Nourishment	Rs. 15,000/-	Rs. 15,000/-	Confirmed
7.	For Loss of convenience	Rs. 25,000/-	Rs. 50,000/-	Enhanced



8.	For loss of income	Rs. 10,000/-	Rs. 10,000/-	Confirmed
Total		Rs. 5,63,015/-	Rs.6,23,015/-	

Therefore, this Court is inclined to enhance a sum of Rs.6,23,015/-from Rs.5,63,015, as compensation.

4. In view of the said modification, these Civil Miscellaneous Appeals are disposed of. The award amount of **Rs.5,63,015/-** granted by the Tribunal is enhanced to **Rs.6,23,015/-** and the respondents in C.M.A(MD) No. 1141 of 2021 is directed to deposit the same with 7.5% interest along with costs, within a period of Twelve weeks, from the date of receipt of copy of the order, less the amount if already deposited. On such depositing being made, the claimant is permitted to withdraw the same. The claimant is directed to pay the deficit Court fee for the enhanced compensation. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024
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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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1. The Motor Accidents Claims Tribunal
cum Special Sub Court,
Tirunelveli.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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**Order made in
C.M.A(MD)Nos.245 &
1141 of 2021
[1/2]**

15.02.2024