



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.594 & 971 of 2021
and
C.M.P(MD)No. 5660 of 2021

C.M.A(MD)No.594 of 2021

Tamil Nadu State Transport Corporation,
Bye Pass Road, Dindigul Post,
Dindigul District,
Through its the Managing Director

... Appellant

Vs.

P.Muthurajan

... Respondent

C.M.A(MD)No. 971 of 2021

P.Muthurajan

... Appellant

Vs.

Tamil Nadu State Transport Corporation,
Bye Pass Road, Dindigul Post,
Dindigul District,
Through its the Managing Director

... Respondent

COMMON PRAYER: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree dated 31.08.2020 passed in MCOP No.27 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District and Session Judge), Theni at Periyakulam.



WEB COPY

In C.M.P(MD)No.594 of 2021

For Appellant : Mr.K.Sudalayandi

For Respondent : Mr.C.Murugavel

In C.M.P(MD)No.971 of 2021

For Appellant : Mr.K.Sudalayandi

For Respondent : Mr.C.Murugavel

COMMON JUDGEMENT

The claimant and the Transport Corporation have preferred these Appeals against the Judgment and Decree, dated 31.08.2020 passed in MCOP No.27 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District and Session Judge), Theni at Periyakulam.

2. It is a case of injury. The injured had suffered multiple fracture. The contention of the Transport Corporation is that the salary fixed by the Tribunal is on higher side. The further contention of the Transport Corporation is that the injured had claimed that he was owning Mobile Phone shop and also claimed he is also qualified as Driver, but the claimant had submitted evidence to prove that on the date of accident he was having Mobile Phone shop, but the claimant had not submitted any proof that he was working as Driver. Accepting the said contention of the Transport Corporation the salary cannot be fixed for the avocation s Driver. However, this Court is fixing the income of the claimant



as Rs.17,000/- for avocation as Mobile Phone Shop. Based on the same this Court is inclined to grant a sum of Rs.1,36,000/- [Rs.17,000 x 8 (months)], as loss of income.

3. The claimant has not produced Disability certificate before the Tribunal. However, while hearing this Appeal, the claimant has produced Disability certificate, where his permanent disability was fixed as 28%. Therefore, this Court is granting a sum of Rs.2,80,000/- for permanent disability.

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

S. No.	Description	Amount awarded by Tribunal this Court		Award confirmed / enhanced / granted
1.	For loss of income	Rs.1,00,000/-	Rs.1,36,000/-	Enhanced
2.	For loss of pain and suffering	Rs.3,00,000/-	Rs.2,00,000/-	Reduced
3.	For permanent disability	--	Rs.2,80,000/-	Granted
4.	For Attender expenses	Rs. 1,50,000 /-	Rs. 75,000/-	Reduced
5.	For Extra Nourishment expenses	Rs.2,00,000/-	Rs. 75,000/-	Reduced
6.	For Transport expenses	Rs. 40,000/-	Rs. 40,000/-	Confirmed
7.	Ex.A.9 Medical Bills	Rs.5,98,158/-	Rs.5,98,158/-	Confirmed
Total		Rs.13,88,158/-	Rs.14,04,158/-	

This Court is enhancing a sum of Rs.14,04,158/- as compensation, from the total compensation of Rs.13,88,158/- granted by the Tribunal.



WEB COPY

5. Accordingly, this Court is enhancing a sum of Rs.14,04,158/- as compensation, from the compensation granted by the Tribunal Rs.13,88,158/-.

The Transport Corporation is directed to deposit the entire compensation with 7.5% interest along with Costs, within a period of 8 weeks from the date of receipt of a copy of the order, less the amount if already deposited. On such deposit being made, the claimant is permitted to withdraw the same, as per law. Since this Court is enhancing the compensation, the claimant is liable to pay the balance Court fee.

6. With these observations, these Civil Miscellaneous Appeals are partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

22.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA



WEB COPY

- To
1. The Motor Accident Claims Tribunal/
(Additional District and Session Judge),
Theni at Periyakulam.
 2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

**Common Order made in
C.M.A(MD)Nos.594 & 971 of 2021**

22.02.2024