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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.732 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
Thirumayam Road,
Pudukkottai Town,
Pudukkottai District.

... Appellant

Vs.

Jegatheesan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, praying to allow this appeal, set aside the award and decree made in M.C.O.P.No.176 of 2018 dated 28.12.2021, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Pudukkottai.

For Appellant : Mr.P.Prabhakaran

For Respondent : Mr.P.Ganapathi Subramanian

JUDGEMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal against the award passed in M.C.O.P.No.176 of 2018 dated 28.12.2021, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Pudukkottai.



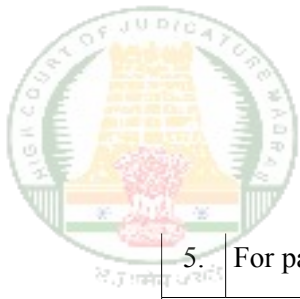
2. It is a case of injury. The injured claimant is a minor student.

While boarding the running bus, he fell down and injured and he has lost his two fingers. The contention of the Transport Corporation is that partial permanent disability was fixed as 14%. The Tribunal ought to have fixed Rs. 1000/- per disability but the Tribunal has taken Rs.5,000/-, which is on higher side. This Court is not inclined to accept the said contention, since the minor had lost two fingers.

3. However the contention of the claimant is that the Tribunal has not granted compensation for pain and suffering. Since the minor has lost his two fingers, in order to meet the ends of justice and considering his pain and suffering this Court is granting a sum of Rs.65,000/- for pain and suffering.

4. Accordingly, the claimants are entitled for compensation as follows:

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	this Court	
1.	For 14% disability [14x Rs.5000]	Rs. 70,000/-	Rs.70,000/-	confirmed
2.	For loss of income	Rs. 15,000/-	Rs.15,000/-	confirmed
3.	For Transport Expenses	Rs. 10,000/-	Rs.10,000/-	confirmed
4.	For Extra Nourishment	Rs. 10,000 /-	Rs.10,000/-	confirmed



5.	For pain and suffering	--	Rs.65,000/-	granted
Total		Rs. 1,05,000/-	Rs.1,70,000/-	

From the total compensation of Rs.1,05,000/-granted by the Tribunal is enhancing a sum of Rs.1,70,000/-.

5. Accordingly, the Transport Corporation is directed to deposit a sum of Rs.1,70,000/-as compensation, less the amount if already deposited with interest at 7.5% p.a., from the date of claim petition till the date of realization along with Costs, within a period of 12 weeks from the date of receipt of a copy of the Order. On such deposit, the claimant is entitled to withdraw the same, less the amount, if already withdrawn. The claimant is directed to pay the balance Court fee or the same shall be deducted from the amount before disbursing.

6. With these observations and directions, this Civil Miscellaneous Appeal is partly allowed. No Costs.

29.02.2024

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

1. The Motor Accident Claims Tribunal /
Chief Judicial Magistrate Court,
Pudukkottai.

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)No.732 of 2022**

29.02.2024