



C.M.A.(MD).No.420 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.420 of 2018

Selvanathan

... Appellant/Claimant

-VS-

The Managing Director,
The Tamil Nadu State Transport Corporation,
Madurai Limited,
Madurai Division,
Bypass Road,
Madurai.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988, to enhance the award dated 14.12.2015 made in M.C.O.P. No.8 of 2013, on the file of the Motor Accident Claims Tribunal (Sub Court), Kovilpatti.

For Appellant : Mr.T.Selvan

For Respondent : Mr.P.Prabhakaran

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the claimant in M.C.O.P. No.8 of 2013, on the file of the Motor Accident Claims Tribunal (Sub Court), Kovilpatti, seeking enhancement of compensation.



C.M.A.(MD).No.420 of 2018

WEB COPY

2. The injured claimant had contended that he met with an accident on 03.09.2010 and sustained grievous injuries and therefore, he prayed for a compensation of Rs.5,00,000/- (Rupees Five Lakhs only).

3. The Tribunal, after considering the Disability Certificate and other documents had assessed the compensation as follows:

S.No	Descriptions	Amount
1	Permanent Disability (22x2000)	Rs.44,000/-
2.	Pain and Suffering	Rs.25,000/-
3.	Extra Nourishment	Rs. 5,000/-
4.	Transport Charges	Rs. 5,000/-
5.	For treatment taken as in patient	Rs. 1,500/-
6.	Attendar Charges	Rs. 1,500/-
7.	Future Medical Expenses	Rs.25,000/-
	Total	Rs.1,07,000/-

Challenging the said award, the present appeal has been filed seeking enhancement of compensation.

4. The learned counsel appearing for the appellant had contended that for each percentage of disability a sum of Rs.3,000/- ought to have been awarded. He further contended that future medical expenses and additional



C.M.A.(MD).No.420 of 2018

amount shall be awarded. He also contended that no amount has been awarded under the head of loss of amenities.

5. Per contra, the learned counsel appearing for the Transport Corporation contended that the award amount is already excessive in nature and therefore, there is no necessity to enhance the compensation.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. Considering the fact that the accident has happened in the year 2010, the Tribunal was right in awarding a sum of Rs.2,000/- per percentage of disability and therefore, there is no question of interfering with the quantum of award under the said head. However, considering the fact that the petitioner had sustained grievous injuries and plates and screws have been implanted in the right leg as well as the left hand wrist, this Court is of the considered opinion that an additional sum of Rs.25,000/- has to be awarded under the head “loss of amenities”. In other respects, the award of the Tribunal needs no interference.



C.M.A.(MD).No.420 of 2018

WEB COPY

8. In view of the above, the award of the Tribunal is enhanced from Rs.1,07,000/- (Rupees One Lakh and Seven Thousand only) to Rs.1,32,000/- (Rupees One Lakh and Thirty Two Thousand only). The award amount shall carry interest at the rate of 7.5% per annum from the date of filing of the claim petition till payment. The Transport Corporation shall deposit the amount before the Tribunal within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the claimant is entitled to withdraw the same by filing necessary petition before the Tribunal.

9. Accordingly, this Civil Miscellaneous Appeal stands partly allowed.
There shall be no order as to costs.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi



WEB COPY



C.M.A.(MD).No.420 of 2018

To

1. The Motor Accident Claims Tribunal (Sub Court),
Kovilpatti,
Tuticorin District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD).No.420 of 2018

R.VIJAYAKUMAR,J.

ebsi

C.M.A(MD)No.420 of 2018

25.06.2024