



C.M.A.(MD).No.930 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.930 of 2017

M.Shajahan

... Appellant/Petitioner

-vs-

Tamil Nadu State Transport Corporation

(Kum) Limited,

Represented through its

Managing Director,

Kumbakonam,

Karaikudi (Region)

Karaikudi – 630 307.

... Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the order dated 17.02.2014 in M.C.O.P.No.1188 of 2012 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Madurai.

For Appellant : Mr.P.T.S.Narendravasan

For Respondent : Mr.P.Prabhakaran

J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the appellant/claimant in M.C.O.P.No.1188 of 2012, on the file of the Motor



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Accident Claims Tribunal, Chief Judicial Magistrate, Madurai, seeking enhancement of compensation.

2. According to the injured claimant, while he was riding a two wheeler, a bus belonging to the Transport Corporation coming from the opposite direction was driven in a rash and negligent manner and dashed against the two wheeler. In the said accident, he had sustained grievous injuries. The claimant had further contended that he is an Electrician and Driver and he was earning a sum of Rs.10,000/- per month. According to the claimant, he could not perform the duties of the driver or electrician. Hence, he has prayed for a sum of Rs.8,00,000/- as compensation.

3. The Transport Corporation has filed a counter, questioning the negligence, liability and quantum. They have contended that the accident has taken place only due to the negligence on the part of the rider of the two wheeler and they are not responsible to pay any compensation.

4. The Tribunal, after considering the evidence on record has arrived at a finding that the accident has taken place only due to the rash and negligent driving on the part of the driver of the Transport Corporation. The Tribunal



5. According to the learned counsel appearing for the appellant, award a sum of Rs.1,500/- per percentage of disability is on the lesser side and it should be enhanced to a sum of Rs.4,000/- per percentage. He further contended that on the other heads also, the quantum of compensation should be enhanced.

6. Per contra, the learned counsel appearing for the respondent/Transport Corporation has contended that the award in total is reasonable and therefore, there is no ground to interfere in the quantum of compensation and prayed for sustaining the award passed by the Tribunal.

7. I have carefully considered the submissions made by the learned counsel on either side.



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8. The primary ground on which the appeal has been filed is that the sum of Rs.1,500/- awarded for each percentage of permanent partial disablement is lesser. This Court is of the considered opinion that it could be enhanced to Rs.3,000/- per percentage of partial permanent disablement at Rs.3000x 62 = Rs.1,86,000/-.

9. In view of the above said facts, the award of the Tribunal is reassessed as follows:

For permanent partial disablement (62x 3000)	: Rs.1,86,000/-
Pain and suffering	: Rs. 10,000/-
Extra nourishment	: Rs. 5,000/-
Transport Expenses	: Rs. 5,000/-
Medical Expenses	: <u>Rs.1,81,930/-</u>
Total	: Rs.3,87,930/-

10. In view of the above said deliberations, the award of the Tribunal is enhanced from Rs.2,94,930/- (Rupees Two Lakhs Ninety Four Thousand Nine Hundred and Thirty only) to Rs.3,87,930/- (Rupees Three Lakhs Eighty Seven Thousand Nine Hundred and Thirty only). The said enhanced amount



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shall carry interest at the rate of 7.5% per annum from the date of filing of the claim petition. The Transport Corporation is directed to deposit the enhanced amount along with accrued interest, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the entire amount.

11. Accordingly, this Civil Miscellaneous Appeal stands partly allowed to the extent as stated above. There shall be no order as to costs.

24.04.2024

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

1. Motor Accident Claims Tribunal,
The Chief Judicial Magistrate, Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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