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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1817 of 2023

P.Narayanasamy

Appellant(s)

Vs

1.Tamilnadu State Transport Corporation Ltd.,
Villupuram Division,
Villupuram.

2.The Tamilnadu State Transport Corporation,
(Villupuram) Ltd.
Kancheepuram Region,
Chennai-Bangalore Highways,
Karapettai,
Kancheepuram

Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 15.11.2019 in M.C.O.P. No.724 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accident Claim Tribunal, Chennai.

For Appellant(s): Mr.A.Shanmugaraj



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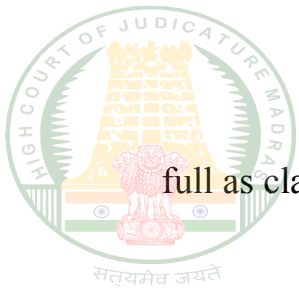
For Respondent(s): Mr.C.R.Suresh Kumar
for Mr.A.Vinothraj for R2

R-1 - No Appearance

ORDER

This appeal has been filed against the Award and Decree dated 15.11.2019 in M.C.O.P. No.724 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accident Claim Tribunal, Chennai.

2.It is the case of the claimant that the claimant filed M.C.O.P. No. 724 of 2007 seeking compensation for the injuries sustained in a road accident. The claimant sustained permanent disability and claimed compensation for loss of earning capacity, pain and suffering, medical expenses, attendant charges, and other conventional heads. The respondents contended that the Tribunal had correctly assessed the disability and awarded adequate compensation. They submitted that no enhancement was necessary. After analysing the oral and documentary evidence made on either side, the Tribunal awarded compensation based on a 30% permanent disability, applying the percentage method at Rs. 3,000/- per 1% disability, totaling Rs. 90,000/-. All other heads were granted in



full as claimed by the claimant.

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3.The learned counsel for the claimant contended that the claimant sustained permanent disability in a road accident due to the injuries sustained. Further, the Award under disability and other heads was insufficient and sought enhancement.

4.The respondents/Insurance Company submitted that the Tribunal's award was fair and justified.

5.On a perusal of the records, it is seen that the claimant's disability is medically assessed at 30%, which is accepted. The Tribunal correctly applied the percentage method (Rs.3,000/- per 1% disability). All other heads of compensation were correctly awarded, considering medical expenses, pain and suffering, and attendant charges. There is no reason to interfere with the Tribunal's award under these heads. The enhanced compensation would be a sum of Rs.1,37,000/-. Therefore, taking into



consideration the above aspects, the modified amount is as follows:

Disability	-Rs.90,000/-
Pain and Sufferings	-Rs.25,000/-
Extra nourishment	-Rs.10,000/-
Transportation	-Rs. 1,000/-
Damages to clothes	-Rs. 1,000/-
Loss of amenities	-Rs/10,000/-

Total	-Rs.1,37,000/-

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The respondents are directed to deposit the entire compensation amount of Rs.1,37,000/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P. No.724 of 2007 on the file of the learned VI Judge, Small Causes Court, Motor Accident Claim Tribunal, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications.



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The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

01-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The VI Judge,
Small Causes Court,
Motor Accident Claim Tribunal,
Chennai.

2. The Section Officer,
VR Section,
Madras High Court.



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T.V.THAMILSELVI J.

mps

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