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CMA NO. 1954 of 2023
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA NO. 1954 of 2023

M.Sabari
s/o Munian, No.318, Ponniamman Colony,
Kalaingar 1st street, Nanmangalam, Chennai

Appellant(s)

Vs

R.Balasundaram
No.4, Nehru Nagar, 1st street, Perungudi,
Chennai 96 and another

Respondent(s)

For Appellant(s):

T.G.Balachandran

For Respondent(s):

C.Paranthaman

For R2

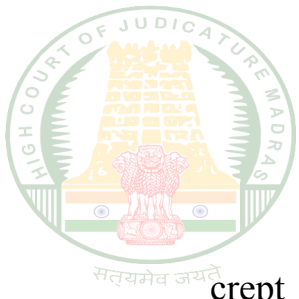
R1 - No Appearance

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.

2. Mr.T.G.Balachandran, learned counsel appearing for the appellant and Mr.C.Paranthaman, learned counsel appearing for the second respondent are present.

3. It is brought to the notice of this Court that some error has been



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crept in paragraph Nos.7, 8 & 9 of the Judgment dated 10.06.2025. The

said paragraph Nos.7, 8 & 9 are to be replaced as follows:

" 7. On perusal of the award passed by the Tribunal below, it is revealed that at the time of the accident, the claimant was 28 years old and was working as a mason. The accident occurred in the year 2017, and due to the grievous injuries sustained, he was unable to resume work as before. Considering the nature of the injuries sustained by the claimant and the prevailing cost of living, this Court is inclined to fix the disability at 30%. The notional monthly income is enhanced from Rs.10,500/- to Rs.12,000/-. Further, taking into account the functional disability as evidenced by Ex.C1- the dis-ability certificate issued by Medical board, an addition of 40% made towards future prospects, thereby increasing the total monthly income to Rs.16,800/- (i.e., Rs.12,000 + Rs.4,800). A multiplier of 17 is to be applied in this case. In addition, the compensation awarded by the Tribunal under the head of pain and sufferings is enhanced from Rs.40,000/- to Rs.70,000/-, and transportation charges are enhanced from Rs.4,000/- to Rs.10,000/-. As the claimant took inpatient treatment in a Government Hospital, this Court is also inclined to award Extra nourishment - Rs.20,000/-, Attender charges -



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Rs.50,000/- and Loss of amenities - Rs.50,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

8. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Sl. No	Compensation awarded under the head	Amount (in Rs.). awarded by the High Court
1	Loss of earning capacity (16,800 x 12m x 17 x 30/100 = 10,28,160/-	10,28,160
2	Pain and suffering	70,000
3	Transportation Charges	10,000
3	Extra Nourishment	20,000
4	Attender Charges	50,000
5	Loss of Amenities	50,000
	Total	12,28,160/- Rounded off to Rs.12,28,200/-

9. Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,02,900/- to Rs.12,28,200 /-. The Second respondent - insurance company is directed to deposit the



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enhanced compensation of Rs.12,28,200/-, after deducting the amount already deposited, together with interest at 7.5% per annum from the date of the claim petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this Judgment. Insofar as the enhanced compensation is concerned, the deficit Court fee, if not already paid, shall be paid by the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation shall remain unaltered."

4. Registry is directed to incorporate the above paragraph Nos.7,8 & 9 quoted above and issue fresh order copy to the parties forthwith.

5. In other respects, the order dated 10.06.2025 shall remain unaltered.

02.07.2025

rrr



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T.V.THAMILSELVI, J.

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