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CMA No. 2978 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2978 of 2023

1. KARUNAKARAN

S/o. Mahalingam, Varuvur mariamman
Koil Street, Vandipalayam, Cuddalore
Taluk

Appellant(s)

Vs

1. CHINNASAMY

S/o. Chinna Gounder, No.14/B,
Thamizh Magal Street, Rajiv Gandhi
nagar, Puducherry

2.The New India Assurance Co.Ltd.,
No.30, Jawaharlal Nehru Street,
pondicherry

Respondent(s)

CMA No. 2978 of 2023

PRAYER

To enhancement of the compensation in the award dated 31-08-2023 made in MCOP.No.554/2017 on the file of MACT/Special Sub Court at Cuddalore



CMA No. 2978 of 2023

For Appellant(s): Mr.Ma.P.Thangavel

For Respondent(s): Mr. R. Sreevidhya For R2 R1 -
Notice Not Necessary

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed for the enhancement of the compensation in the award dated 31-08-2023 made in MCOP.No.554/2017 on the file of MACT/Special Sub Court at Cuddalore.

2. On 07.08.2016 at about 03.30 p.m when the claimant was trying to deboard from the front steps of the bus bearing registration No.PY 01 CM 3700 at Thirupadupuliyur bus stand, the driver of the bus driven the bus in a rash and negligent manner due to which the claimant fell down and the back tyre of the said bus ran over the left leg of the claimant and thereafter he was taken to the JIPMER hospital where external fixator was fixed on the claimant's left leg. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.



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3. The learned counsel for the claimant submits that the Doctor has assessed 50% permanent disability on the claimant but the tribunal has awarded compensation by following per percentage method which is erroneous and liable to be set aside and also awarded very amount in other heads. Hence, he prays to allow this appeal.

4. The learned counsel for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2016 and also the claimant sustained partial disability Hence, this Court is inclined to fix Rs.7,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.3,50,000/- under the head of disability. Further, the claimant has admitted in the hospital on various occasion from the year 2016 to 2017 hence, this Court is inclined to fix Rs.12,000/- as notional income of the claimant for a eight months. Accordingly, the claimant is entitled to Rs.96,000/- under the head of loss of income. Except above modification, the award passed by the tribunal under other heads remain unchanged.

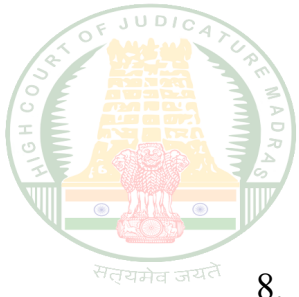


6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.1,00,000/-	Rs.1,00,000/-
2.	Loss of Income	Rs.72,000/-	Rs.96,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.5,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages of clothes	Nil	Nil
8.	Lost of amenities	Rs.50,000/-	Rs.50,000/-
9.	For permanent disability	Rs.2,50,000/-	Rs.3,50,000/-
10	Total	Rs.4,97,000/-	Rs. 6,21,000/-

7. Therefore, the compensation payable to the claimant is enhanced to Rs.6,21,000/-. The 2nd respondent/Insurance company is directed to deposit the said amount with interest ordered by the tribunal to the credit of MCOP.No.554/2017 on the file of MACT/Special Sub Court at Cuddalore, within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.



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8. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

10-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Section Officer, V.R Section, High Court, Madras.

The MACT/Special Sub Court at Cuddalore.



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T.V.THAMILSELVI J.

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