

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.No.580 of 2015

P.Anjalam

W/o.Late Periyasamy

...Appellant/Petitioner

vs.

1.A.Sathish Kumar
S/o.Anbalagan

2.The United India Insurance Co. Ltd.,
No.134, Greams Road,
Silingai Building,
HUB, VI Floor, Chennai - 6. ...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree passed in M.C.O.P.No.41 of 2010 dated 28.03.2013 on the file of learned XIX Additional Judge, Motor Accident Claims Tribunal, Chennai.

For Appellant : Mr.Anand

For Respondents: Mr.D.Baskaran

JUDGMENT

The appeal has been preferred by the claimant not satisfied with the quantum of Rs.74,710/- as compensation awarded for the injuries sustained by him in the accident occurred on 13.11.2009.

2. Heard Mr.Anand, learned counsel appearing for the appellant and Mr.D.Baskaran, learned counsel appearing for the respondents.

3. There is no dispute with regard to the accident as also with regard to the liability. The only question to be decided is regarding quantum. Though PW-2, Doctor, determined the disability at 30% for the brain injury sustained by the claimant, the Tribunal, in the absence of documentary evidence, reduced the disability to 25%. This Court re-determines the disability at 30%. Only a sum of Rs.2,000/- was awarded per percentage point of disability. This Court awards Rs.3,000/- per percentage point of disability and hence, a sum of Rs.90,000/- is awarded towards disability. Rs.15,000/- awarded towards pain and suffering is enhanced to Rs.25,000/-; Rs.2,000/-

awarded towards nutrition is enhanced to Rs.10,000/-; Rs.2,000/- awarded towards transportation is enhanced to Rs.10,000/-; Rs.4,500/- and Rs.1,210/- awarded towards one month loss of income and medical expenses are confirmed. The interest at the rate of 7.5% p.a., awarded by the Tribunal is confirmed.

4. This Civil Miscellaneous Appeal is allowed by enhancing the award of compensation from 74,710/- with interest @ 7.5% p.a. to Rs.1,40,710/- along with interest at 7.5% p.a. No costs.

The second respondent insurance company is directed to deposit the entire amount along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire amount within one week thereafter, after adjusting the amount if any already withdrawn.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm
To

The Motor Accident Claims Tribunal,
XIX Additional Judge,
Chennai.

+ 1 cc to Mr.D. Bhaskaran, Advocate SR.16756
+ 1 cc to M/s. Anand and Suryas, Advocate SR.17471

SAI (CO)
Eu 03.06.15

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