

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM

THE HONOURABLE Ms. JUSTICE K.B.K.VASUKI

C.M.A.No.971 of 2011

Unnamalai

... Appellant/Petitioner

vs.

1. Lakshmi
2. The Divisional Manager,
The United India Insurance Co. Ltd.,
No.46, Kadpadi Road,
Vellore.

... Respondents/Respondents

Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 28.6.2006 made in M.A.C.T.O.P.No.216 of 2004 on the file of the Motor Accidents Claims Tribunal, Additional Sub Judge, Thiruvannamalai.

For Appellant : Mr.F.Terry Chellaraja

For Respondents : Mr.M.J.Vijayaraghavan,
for R.2
R.1 - Exparte.

JUDGMENT

The injured claimant is the appellant herein.

2. The present civil miscellaneous appeal is filed for enhancement of lump sum compensation of Rs.25,000/- awarded by the Tribunal with interest at the rate of 7.5% per annum as against the total claim of Rs.1,00,000/-.

3. The facts that the claimant met with an accident and sustained three injuries and out of the three injuries, two were simple in nature and one was fracture injury on the left little finger and she was admitted in the hospital on 12.6.2003 and was taking treatment as inpatient and was discharged on 19.6.2003 by the Government Hospital, Thiruvannamalai, is evident from Ex.P.3 - Wound Certificate. The witness P.W.2-Doctor, who examined the injured claimant on 17.2.2005, nearly two years after the accident, assessed the disability sustained by her at 14%. Doctor-P.W.2 deposed that the movement in the little finger of the claimant is restricted and the claimant is unable to do her normal work as before. The

Tribunal, instead of awarding compensation under different heads, awarded a lump sum compensation of Rs.25,000/- for physical and mental agony suffered by the claimant. Hence, the present appeal by the claimant for enhancement of the compensation amount.

4. This Court, considering the nature of the injuries sustained by the claimant and the nature of the treatment and the period of hospitalisation undergone by the claimant and considering the disability sustained by her and the physical and mental agony suffered by her, is inclined to enhance the compensation awarded by the Tribunal, under different heads, as follows:-

For Disability	:	Rs.30,000/-
For transport and medical expenses	:	Rs. 5,000/-
For extra nourishment	:	Rs. 5,000/-
For pain and sufferings	:	Rs.10,000/-

total		Rs.50,000/-

Thus, the lump sum compensation of Rs.25,000/- awarded by the Tribunal is hereby enhanced to Rs.50,000/- which shall be payable along with interest at the rate of 7.5% per annum.

5. In the result, the lump sum compensation of Rs.25,000/- awarded by the Tribunal is hereby enhanced to Rs.50,000/-, which shall be payable along with interest at the rate of 7.5% per annum. The Insurance Company is directed to deposit the entire award amount, less the amount already deposited, with proportionate interest at the rate of 7.5% per annum from the date of petition till the date of deposit, to the credit of M.A.C.T.O.P.No.216 of 2004 on the file of the Motor Accidents Claims Tribunal, Additional Sub Judge, Thiruvannamalai, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the entire enhanced amount, with accrued interest and costs, less the amount, if any, that has already been withdrawn by her, on due cheque application. The civil miscellaneous appeal is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

sbi

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Additional Sub Judge,
Motor Accidents Claims Tribunal,
Thiruvannamalai.

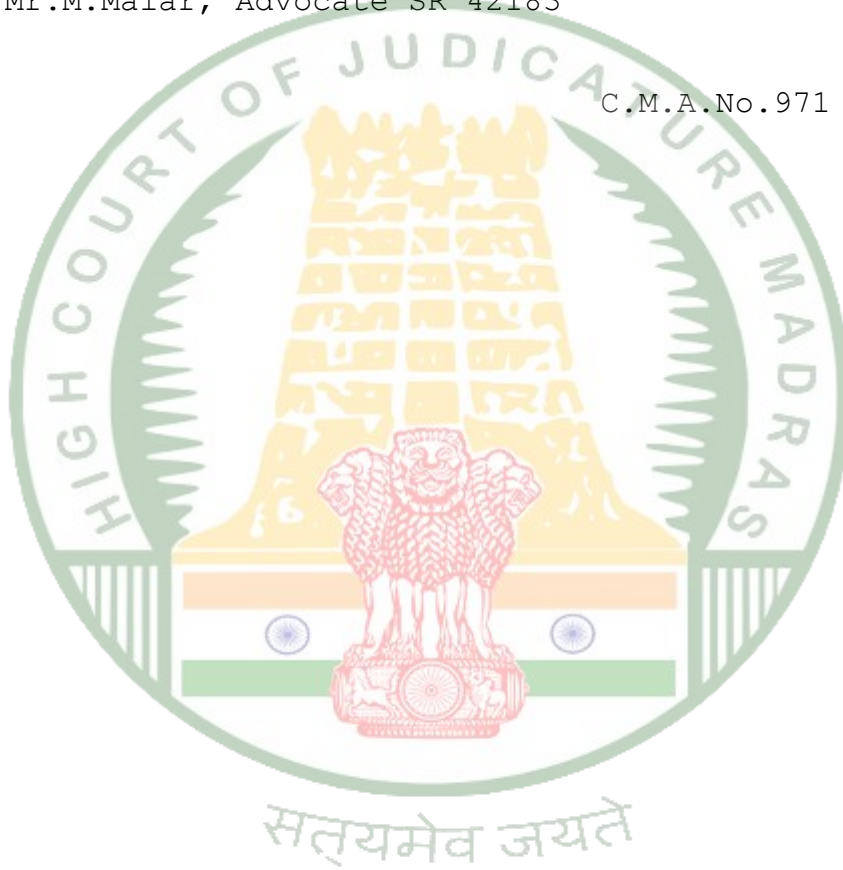
2. The Record Keeper,
V.R. Section,
High Court, Madras.

+ 1 cc to Mr.M.J.Vijayaraaghavan, Advocate SR 42155

+ 1 cc to Mr.M.Malar, Advocate SR 42183

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