

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No.3130 of 2010

John Peter

...Appellant/Petitioner

Vs.

1. Chellappan
2. The Divisional Manager,
United India Insurance Company Limited,
No. 95, Big Street,
Thiruvannamalai.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 12.04.2010 passed in MACT O.P. No. 590 of 1999 by the Motor Accidents Claims Tribunal (Principal Subordinate Judge's Court, Thiruvannamalai).

For Appellant : Mr.F. Terry Chellaraja

For Respondents : Mr.D. Baskaran for R2

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimant aggrieved over the quantum of Rs. 60,000/- awarded by the Tribunal for the injuries sustained by him in the accident, which occurred on 22.05.1999.

2. Heard Mr. F. Terry Chellaraja, learned counsel for the appellant and Mr.D. Baskaran, learned counsel for the 2nd respondent.

3. It is not in dispute that the claimant sustained injuries in his lungs, in the accident and because of that, he could not bend his body on the front side resulting in loss of comfort, loss of happiness, depression, pain and suffering and based on P.W.2, Doctor's evidence and Ex-P7, Disability Certificate, the disability was rightly fixed at 25%. However, for 25% disability, multiplier

method was adopted by the Tribunal, which is unwarranted. Therefore, this Court awards Rs.50,000/- towards "Disability" @ Rs.2000/- per percentage of disability. The amount of Rs.1,750/- awarded towards "Pain and Suffering" is enhanced to Rs.20,000/-. Towards "Extra Nourishment", "Transportation Expenses" and "Medical Expenses", only a sum of Rs.2000/- was awarded under each head. Therefore, a sum of Rs.10,000/- is awarded towards "Extra Nourishment"; Rs.5000/- is awarded towards "Transportation Expenses"; Rs.10,000/- is awarded towards "Loss of Amenities" and Rs.5000/- is awarded towards "Medical Expenses". Hence, the award of Rs.60,000/- granted by the Tribunal is enhanced to Rs. 1 lakh, with interest @ 7.5% per annum.

4. The 2nd respondent Insurance Company is directed to deposit the award amount, before the Tribunal, as per the modified award passed by this Court, with interest and costs, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the appellant/claimant is permitted to withdraw the entire amount within a period of two weeks thereafter. The Civil Miscellaneous Appeal is disposed of accordingly. No costs.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

nv

To

The MACT (Principal Subordinate Judge's Court),
Thiruvannamalai.

1 CC to Mr.D. Baskaran, Advocate SR.No. 7041

1 CC to M/s. M.Malar, Advocate SR.No. 6834

GP (CO)
PSI (20.03.2015)

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