

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A. No.3212 of 2010

M.Thangaraj

.. Appellant/Petitioner

Vs

1.Dr.Beulah Ramani Geetha

2.National Insurance Co. Ltd.,

Divisional VII, 34, North Usman Road,

T.Nagar, Chennai - 17.

.. Respondents/Respondents

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 27.03.2010 made in M.A.C.T.O.P.No.5733 of 2005, on the file of V Judge, Motor Accident Claims Tribunal (Court of Small Causes), Chennai.

For appellant : Mr.K.V.Muthuvisakan

For R2 : Mr.J.Chandran

For R1 : Exparte

JUDGMENT

Aggrieved by the award dated 27.03.2010, made in M.A.C.T.O.P.No.5733 of 2005, on the file of the V Judge, Motor Accident Claims Tribunal (Court of Small Causes), Chennai, the appellant has preferred the present appeal seeking for enhancement of the compensation.

2. When the matter is taken up, learned counsel appearing for the petitioner produced a break-up details for enhancement of compensation as stated below:

Headings	By Tribunal (Rs.)	To be enhanced(Rs.)
Loss of Income	18000	36000
Transport to Hospital	5000	10000
Nourishment	5000	10000
Damage to cloths	1000	1000
Medical expenses	2000	5000
Loss of income to family members	Nil	5000
Pain and suffering	30000	40000
Permanent disability 40%	70000	80000
Loss of Amenities	Nil	5000
Total	131000	192000

3. On looking into the above said break-up details produced by the learned counsel for the petitioner, learned counsel appearing for the second respondent/Insurance Company has also agreed to enhance the compensation as stated in the break-up chart.

4. It is seen that the claimant/appellant herein sustained grievous injuries all over his body due to the accident that had occurred on 03.09.2005 at about 14.30 hours. while he was standing at Chelliamman Koil Street, whereby a load Auto bearing Registration No.TN-05-Q-1059 came in a rash and negligent manner and dashed against the claimant. On a mere perusal of Ex.P3-discharge summary issued by the Government Kilpauk Medical College Hospital, Chennai, it is seen that the claimant has suffered Grade II compound fracture on the left forearm and was treated as inpatient from 03.09.2005 to 29.10.2005 and he had also undergone surgeries on 14.10.2005 and 08.08.2006. Due to such grievous injuries and surgeries, he was unable to do any work and this has resulted loss of income to him for about six months. Thus, by considering the above said admitted facts and also by taking note of the consent given by the counsel for the second respondent Insurance Company for enhancement of compensation, this Court also agrees for the enhancement of compensation as per the above said break-up details.

5. In fine, the Civil Miscellaneous Appeal stands allowed with a direction to the second respondent Insurance Company to deposit the enhanced compensation of Rs.1,92,000/- to

the credit of M.A.C.T.O.P.No.5733 of 2005 on the file of V Judge, Motor Accident Claims Tribunal (Small Causes Court), Chennai, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is also permitted to withdraw the said amount thereafter. No Costs.

-s/d-
Assistant Registrar(co)

True Copy

Sub-Assistant Registrar

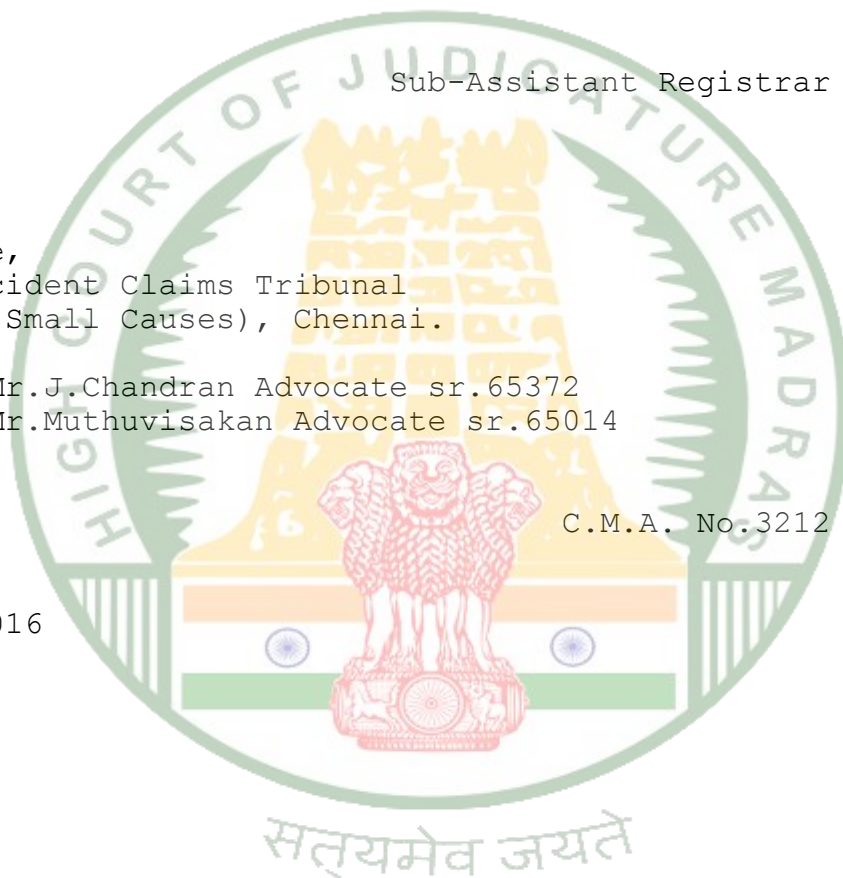
rkm
To

1. V Judge,
Motor Accident Claims Tribunal
(Court of Small Causes), Chennai.

+1 cc to Mr.J.Chandran Advocate sr.65372
+1 cc to Mr.Muthuvisakan Advocate sr.65014

C.M.A. No.3212 of 2010

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