

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

C O R A M

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

C.M.A.No.3481 of 2009

and

M.P.No.1 of 2010

A.Settumohammed ... Appellant/Petitioner

-Vs.-

1. K.Hakkim
2. The Manager
United India Insurance Company Ltd.,
Divisional Office
144-B, Kalapana Road
Udumalpet.
3. A.L.Babu
4. S.Rajan
5. The Manager
United India Insurance Company Ltd.,
448-A, Dr.Nanjappa Road
Coimbatore-18.
6. Maheswari
7. Minor Nishanthi
8. Minor Dhamodharan

[Minor respondents 7 and 8 are
rep.by their mother and natural
guardian 6th respondent, Maheswari]

9. Raju Nadar
- 10.Pushpam ... Respondents/Respondents

Civil Miscellaneous Appeal filed U/s.17307 MV Act against the judgment and decree dated 08.12.2008 passed by the learned Subordinate Judge, [Motor Accident Claims Tribunal], Udumalpet in MCOP No.128 of 2003.

For Appellant ... Mr.N.Manokaran

For Respondents... Mr.T.Ravichandran
for RR2 and 5
R1, R3, R4 and R6 to 10 given up

J U D G M E N T

The claimant is the appellant. He moved the Motor Accident Claims Tribunal, Udumalpet in M.C.O.P.No.128 of 2003 claiming a compensation in a sum of Rs.12,00,000/- for the grievous injury sustained by him in a road accident that took place on 14.10.2002. The Tribunal awarded only a sum of Rs.1,11,600/- which is under challenge in this appeal seeking enhancement of the compensation.

2. At the outset, both sides submitted that they did not dispute the accident and they restricted their arguments only with regard to the quantum awarded.

3. Learned counsel appearing for the appellant would submit that even though the claimant has suffered multiple injuries and the Doctor PW2 has given the medical certificate assessing the permanent disability at 45%, the Court below had awarded only a meagre sum of Rs.45,000/- towards the same. He would further submit that due to the accident, he could not continue his profession as he was working as a load man at that point of time. Further, the learned counsel for the appellant would submit that the appellant has taken treatment for 40 days as in-patient and thereafter also as an outpatient. He also submitted that the appellant was aged only 26 years at the time of the accident and he has lost his job. Accordingly, he would pray for enhancement of the same.

4. Learned Counsel appearing for the respondent/Insurance Company would submit that the Court below after taking into consideration the entire medical records and also the documents produced on the side of the claimant awarded a reasonable amount as compensation, warranting no interference in this appeal.

5. Heard both sides and perused the records.

6. On a careful perusal of the judgment passed by the Court below, it is seen that the court below had awarded a total compensation of Rs.1,11,600/- under the following heads:

- | | |
|-------------------------|----------------|
| 1. Permanent disability | - Rs. 45,000/- |
| 2. Pain and suffering | - Rs. 25,000/- |
| 3. Medical Expenses | - Rs. 41,583/- |

Total	- Rs.1,11,583/-
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and rounded off the same to Rs.1,11,600/-.

7. Though the Court below has awarded compensation under different heads, no amount has been awarded towards future medical expenses, extra nourishment, transport charges and

attendant charges. It is not disputed that the appellant has taken treatment for 40 days as in-patient. Further, he has suffered multiple fractures and plates has also been inserted. Under such circumstances, the Tribunal could have awarded some more amount towards pain and suffering. Hence, considering the nature of injury sustained by the appellant/claimant, this Court is inclined to modify the compensation awarded by the Tribunal to the following effect:

1. Permanent disability	- Rs. 45,000/-
2. Pain and suffering	- Rs. 35,000/-
[Rs.25,000 +Rs.10,000]	
3. Medical Expenses	- Rs. 41,583/-
4. Extra Nourishment	- Rs. 15,000/-
5. Transport charges	- Rs. 5,000/-
6. Future medical expenses	- Rs. 10,000/-
7.Attendant charges	- Rs. 10,000/-

	-Rs.1,61,583/-
=====	

Rounded off to Rs.1,61,600/- [Rupees one lakh sixty one thousand and six hundred only].

8. In the result, the judgment passed by the Court below is modified to the above extent.

9. Accordingly, the respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.1,61,600/- [Rupees one lakh sixty one thousand and six hundred only] to the credit of MCOP No.128 of 2003 on the file of the learned Subordinate Judge, [Motor Accident Claims Tribunal], Udumalpet within a period of four weeks from the date of receipt of a copy of this order along with an interest at the rate of 7.5% from the date of petition. It is needless to state that on such deposit being made, the appellant/claimant is entitled to withdraw the entire compensation amount along with interest on making out a proper application before the court below.

10. With the above modification, this Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vj2

To

The Subordinate Judge
[Motor Accident Claims Tribunal]
Udumalpet

+1 cc to Mr.N.Manokaran, Advocate, sr.55909
+1 cc to Mr.T.Ravichandran, Advocate, sr.56047

CMA No.3481 of 2009

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