

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM:

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

C.M.A.No.3561 of 2004

S.Sasikumar

...Appellant

Vs.

1. K.Suresh

2. United India Insurance Co. Ltd.,
Motor Third Party Claims Office,
No.15, Moore Street,
Chennai - 2.

....Respondents

Prayer : This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 08.03.2004 made in M.A.C.T.O.P.No.4640 of 2001 on the file of V Judge, Motor Accidents Claims Tribunal (Small Causes Court), Chennai.

For Appellant : Mr.C.Munusamy

For R-1 : Ex parte

For R-2 : M/s.A.L.Ganthimathi

JUDGMENT

The claimant is the appellant herein. The appeal is filed for enhancement of compensation of Rs.82,500/- awarded by the Tribunal to the claimant injured.

2. The injured has, in his claim petition, claimed a sum of Rs.2,50,000/- under various heads as follows:

Loss of earning during the treatment period	:	Rs. 30,000/-
Transport to Hospital	:	Rs. 500/-
Extra Nourishment	:	Rs. 20,000/-
Damage to clothing and articles	:	Rs. 500/-
Medical Expenses	:	Rs. 15,000/-
Loss of income and mental agony to the family members	:	Rs. 40,000/-

Pain and suffering	:	Rs. 25,000/-
Permanent disability	:	Rs. 70,000/-
Loss of earning power	:	Rs. 99,000/-
Total	:	<u>Rs. 3,00,000/-</u>

3. According to the claimant, he, in the accident, sustained multiple fractures in the right knee, ankle, tibia and foot and lacerated injuries over both hands and multiple injuries all over the body. He was immediately admitted in the Hospital on 24.09.2001 and he was treated as in-patient and he has been undergoing continuous treatment. He was, at the time of accident, aged about 29 years and was a Carpenter and was earning a sum of Rs.5,000/- p.m. and because of the disability sustained by him, he was not able to do any work as before and the permanent disability resulted in loss of earning power and loss of future earnings.

4. The Tribunal has, on the basis of the available materials, found that the injured sustained multiple fractures and he was treated as in-patient for one month and out-patient for one year and he was on the date of the accident, self-employed as Carpenter and was earning approximately a sum of Rs.3,000/- per month and due to the injuries sustained by him, he lost his earnings for four months and he suffered serious pain and sufferings and the extent of his permanent disability was 45% and he is, due to his permanent disability, unable to stand for longer time, sit in a squatting position and to fold his leg and he is unable to do his carpenter job as before and accordingly awarded Rs.82,500/- as compensation under various heads:

Loss of earning during the treatment period	:	Rs. 12,000/-
Transport to Hospital	:	Rs. 500/-
Extra Nourishment	:	Rs. 5,000/-
Pain and suffering	:	Rs. 15,000/-
Permanent disability	:	Rs. 30,000/-
Loss of earning power	:	Rs. 20,000/-
Total	:	<u>Rs. 82,500/-</u>

5. The claimant has, in his appeal, sought reasonable enhancement under each of the heading stating that the amount awarded by the Tribunal is too low and is inadequate to compensate the mental and physical sufferings undergone by the claimant and the monetary loss sustained by him.

6. This Court, considering the findings rendered by the Tribunal, regarding his age, nature of avocation, monthly income, treatment period and the extent of permanent disability etc. is hence inclined to enhance the compensation claimed under various heads as follows:

Loss of earning during the treatment period	:	Rs. 12,000/-
Transport to Hospital	:	Rs. 500/-
Extra Nourishment	:	Rs. 5,000/-
Damage to clothing and articles	:	Rs. 500/-
Medical Expenses	:	Rs. 5,000/-
Attender charges	:	Rs. 5,000/-
Pain and suffering	:	Rs. 15,000/-
Permanent disability and Loss of earning power	:	Rs. 90,000/-
Total	:	Rs.1,33,000/-
Rounded off	:	Rs.1,35,000/-

7. In the result, the compensation awarded by the Tribunal is enhanced from Rs.82,500/- to Rs.1,35,000/- payable with interest at the rate of 9% p.a. from the date of claim petition till the date of deposit and proportionate costs, by the Insurance Company, 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 amount by filing cheque petition. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The United India Insurance Co. Ltd.,
Motor Third Party Claims Office,
No.15, Moore Street,
Chennai.

WEB COPY

2. Learned V Judge,
Motor Accidents Claims Tribunal
(Small Causes Court),
Chennai.

1 CC to Mr.C.Munusamy, Advocate SR.No. 43137

1 CC to M/s.A.L.Ganthimathi, Advocate SR.No. 43139

C.M.A.No.3561 of 2004

VSN (CO)
PSI (20.10.2015)



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