

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.09.2016

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

C.M.A. No.374 of 2016
and CMP No.2786 of 2016

United India Insurance Co. Ltd.,
Oriental Theatre Complex,
77, Arunachala Aachari Street,
Salem 636 001. ...Appellant/2nd respondent

Vs.

1. S.Kersorn ...R1/Petitioner

2. S.Vinoth ...R2/Respondent-1

Prayer: Appeal under Section 173 of the Motor Vehicles Act, 1988
against the Decree and Judgment passed by the Motor Accidents
Claims Tribunal (Special Sub Court No.2), Salem in MCOP No.123
of 2013 dated 16/07/2015.

For Appellant : Mr.S.Arun Kumar

For Respondents: Mr.C.Prabakaran (for R1)
No appearance (for R2)

JUDGMENT

(Order of the Court was made by S.MANIKUMAR, J.)

Challenge in this appeal is to the quantum of compensation
of Rs.20,48,000/- with interest at the rate of 7.5% per annum,
awarded to the injured by the tribunal.

2. On this day, when the matter came up for hearing,
Mr.S.Arun Kumar and Mr.C.Prabakaran, learned counsel appearing
for the parties consented to the modification of the award and
refixation of quantum of compensation, as hereunder.

Sl. No.	Description of Heads	Awarded by tribunal Rs.	Modification	Now consented for modification Rs.
1	Loss of income 70% disability fixed (9000*12*17*70/100)	12,85,200	disability modified to 50% (9000x12x17x50/100)	9,18,000
2	Pain and sufferings	1,00,000	not modified	1,00,000
3	Medical expenses	2,57,100	not modified	2,57,100
4	Loss of amenities	1,00,000	not modified	50,000
5	Transportation	10,000	not modified	10,000
6	Extra nourishment	10,000	not modified	10,000
7	Attender's charge	25,000	not modified	25,000
8	Damages to clothes	700	not modified	700
9	loss of income during treatment (6000 x 10)	60,000	not modified	60,000
10	Permanent disability	1,00,000	not modified	1,00,000
11	Future medical expenses	50,000	not modified	50,000
12	Expectation of life	50,000	modified	0
	Total	20,48,000		15,80,800

3. Placing on record the above submission, compensation of Rs.20,48,000/- with interest at the rate of 7.5% per annum from the date of claim till the date of realisation, awarded by the tribunal is reduced to Rs.15,80,800/-, without any modification to the rate of interest.

4. Compensation awarded/refixed are as follows:

Sl. No.	Description of Heads	Now Modified Rs.
1	Loss of income 50% disability fixed (9000*12*17*50/100)	9,18,000
2	Pain and sufferings	1,00,000
3	Medical expenses	2,57,100
4	Loss of amenities	50,000

Sl .N o.	Description of Heads	Now Modified Rs.
5	Transportation	10,000
6	Extra nourishment	10,000
7	Attender's charge	25,000
8	Damages to clothes	700
9	loss of income during treatment (6000 x 10)	60,000
10	Permanent disability	1,00,000
11	Future medical expenses	50,000
12	Expectation of life	0
	Total	15,80,800

5. Learned counsel for the appellant submitted that at the time when CMP No.2786 of 2016 was entertained, this Court vide order dated 24.02.2016 directed the appellant-Insurance Company to deposit 75% of the award amount, which has been done. Balance amount as ordered by this Court today, has to be deposited for which, learned counsel for the appellant requested four weeks time. Accordingly, time is granted.

6. It is further submitted that out of the deposit of 75% of the award amount with proportionate interest and costs stated supra, vide order in CMP No.9753 of 2016 dated 29.07.2016, the 1st respondent/claimant has been permitted to withdraw Rs.5,00,000/-.

7. In view of the final determination of the award amount modifying the same to Rs.15,80,800/- with interest, at the rate of 7.5% per annum, 1st respondent/claimant is permitted to seek for withdrawal of the balance amount, now lying in the credit of MCOP No.123 of 2013 on the file of MACT (Special Sub Court No.2), Salem, by making necessary applications.

8. With the above modification, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Motor Accidents Claims Tribunal,
Special Sub Court No.2, Salem

2. The Section Officer,
VR Section, High Court, Madras.

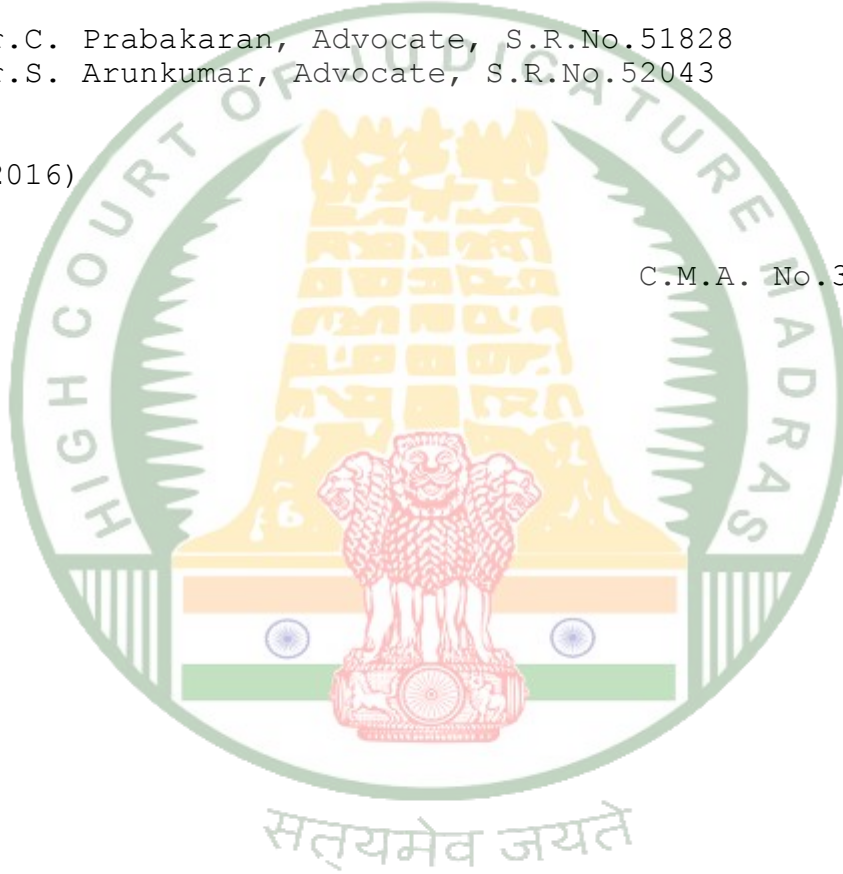
+lcc to Mr.C. Prabakaran, Advocate, S.R.No.51828

+lcc to Mr.S. Arunkumar, Advocate, S.R.No.52043

EV(CO)

EU(14/11/2016)

C.M.A. No.374 of 2016



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