

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.739 of 2011

P.H.Muthu

...Appellant/Petitioner

Versus

1.M/s. ALC Pakyanathan Memorial Eye Hospital,
Thukkapet,
Chengam Taluk,
Tiruvannamalai District-606 709.

2.The United India Insurance Co. Ltd.,
Motor Third Party Cell,
No.38, Anna Salai,
Chennai-600 002.

... Respondents/Respondents

Prayer: Civil Miscellanies Appeal filed under section 173 of the Motor Vehicles Act, 1988, against the judgement and decree dated 01.12.2004 passed in M.A.C.T.O.P.No.5019 of 2000, on the file of the Motor Accident Claims Tribunal(V Judge, Small Causes Court), Chennai.

For Appellant :Mr.R.Kalai Arasan
For R2 :Mr.D.Bhaskaran

JUDGMENT

Seeking enhancement of compensation, this Civil Miscellaneous Appeal is filed by the claimant. The appellant had moved the Motor Accident Claims Tribunal(V Judge, Small Causes Court), Chennai claiming a sum of Rs.7,50,000/- for the injuries sustained by him in a road traffic accident, said to have been taken place on 8.06.2000 involving a Tata Sumo Van, bearing Registration No.TN-25-A-9088.

2. The first respondent being the owner of the offending vehicle remained ex-parte. The second respondent, with whom the vehicle was insured had contested the claim. The Tribunal based

on the evidences had proceeded to award a total sum of Rs.2,27,825/- as against the claim of Rs.7,50,000/-

3. Having not been satisfied with the award, the claimant stands before this Court with the present Appeal.

4. It is to be noted that the appellant had suffered compound and comminuted Type III-A fracture of both bones of his right leg, closed fracture shaft of right femur and truncanteric fracture of right hip and other injuries. PW2, Dr.Saichandhran had examined the appellant clinically and assessed the disability @ 70%, which according to him is partial and permanent in nature and to that effect he had also issued Ex.P11, the Disability Certificate. The appellant was working as a Head Constable and earning a sum of Rs.6,250/- per month at the time of accident.

5. The Tribunal had awarded a total sum of Rs.2,27,825/- under the following heads:

(i) Compensation for permanent disability	Rs.65,000/-
(ii) Pain and Suffering	Rs.25,000/-
(iii) Attendant Charges	Rs.20,000/-
(iv) Medical Expenses	Rs.81,000/-
(v) Extra Nourishment	Rs. 5,000/-
(vi) Transport Charges	Rs.15,825/-
(vii) Loss of Earning from 9.6.2000 to 08.06.2001	Rs.16,000/-

Total	Rs.2,27,825/-

6. When the appeal is taken up for hearing today, the learned counsel appearing for the second respondent has fairly suggested that the compensation towards the permanent disability @ 65% could be increased from Rs.65,000/- to Rs.1,30,000/- i.e., @ Rs.2000/- per 1%. Further, he has also suggested that the compensation towards the loss of income can be increased to the extent of Rs.25,000/- from Rs.16,000/-. In other aspects, the award passed by the Tribunal under various heads remains intact.

7. Accordingly, the compensation awarded by the Tribunal stands modified as follows:

Sl. No.	Head	Amount granted by the Tribunal	Amount granted by this Court
1	Compensation for permanent disability	Rs.65,000/-	Rs.1,30,000/-
2	Pain and Suffering	Rs.25,000/-	Rs. 25,000/-
3	Attendant Charges	Rs.20,000/-	Rs. 20,000/-
4	Medical Expenses	Rs.81,000/-	Rs. 81,000/-
5	Extra Nourishment	Rs. 5,000/-	Rs. 5,000/-
6	Transport Charges	Rs.15,825/-	Rs. 15,825/- -----
7	Loss of Earning power from 9.6.2000 to 08.06.2001	Rs.16,000/-	Rs. 25,000/-
	Total	Rs.2,27,825/-	Rs. 3,01,825

8. Hence, the award passed by the Tribunal to the extent of Rs.2,27,825/- is enhanced to Rs.3,01,825/- by adding an amount of Rs.74,000/- as afore stated.

9. It is brought to the notice of this Court that the entire award of the Tribunal @ Rs.2,27,825/- was deposited along with interest @ 7.5% as directed by the Tribunal.

10. In the result, the Appeal is partly allowed and the second respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.74,000/- alongwith interest @ 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order. On making such deposit by the second respondent/Insurance Company, the appellant is at liberty to withdraw the entire amount without filing any formal application seeking permission. No order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

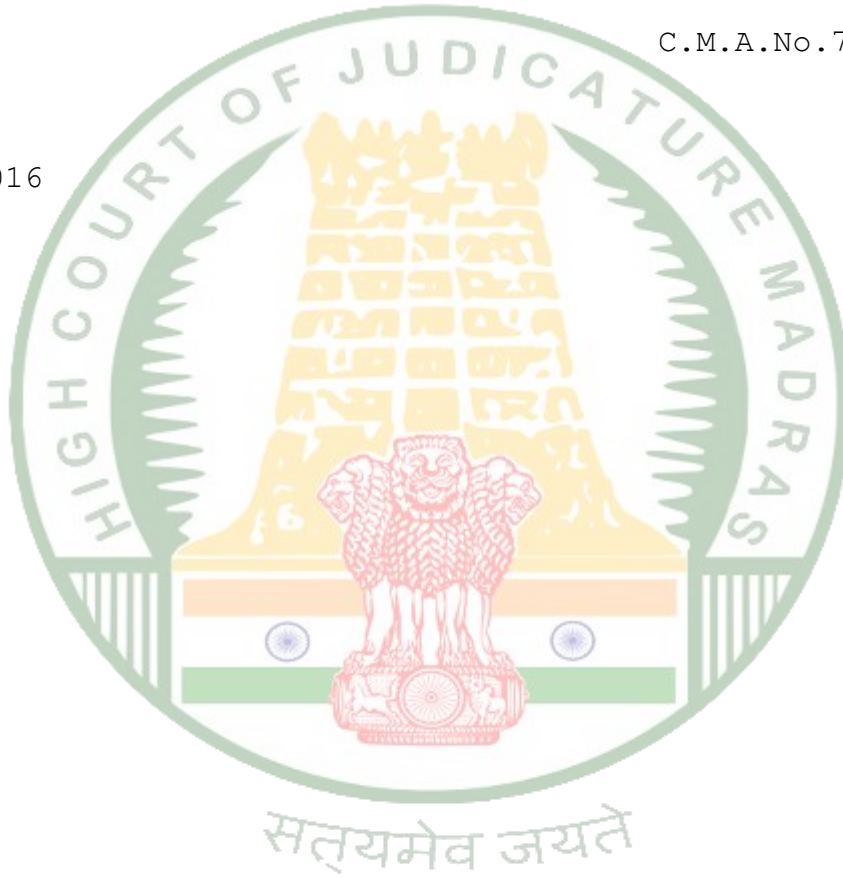
To

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

+1cc to Mr.Muthurajan Advocate sr 30473
+1 cc to Mr.Bhaskaran Advocate sr.30475

C.M.A.No.739 of 2011

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