

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.836 of 2014

M.Ravi

... Appellant / Claimant

versus

1. K.Jayachandran ... 1<sup>st</sup> respondent /  
Owner of the vehicle

2. The New India Assurance Co. Ltd.,  
No.45, Moore Street,  
Justice Basheer Ahamed Building  
5<sup>th</sup> Floor, Chennai - 600 001. ... 2<sup>nd</sup> Respondent /  
Insurer

(R1 remained ex parte before the Tribunal)

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 09.03.2012 made in M.C.O.P.No.2958 of 2010 on the file of Motor Accident Claims Tribunal cum V Small Causes Court, Chennai.

For Appellant : Mr.M.Selvam  
For R2 : Mr.J.Chandran

JUDGMENT

One Ravi, who was aged about 33 years, employed as a staff at CREW MAG Exports Ltd., Chennai, earning a sum of Rs.10,000/- p.m. met with an accident, in which, he sustained injury. Hence, he filed a claim petition before the Motor Accident Claims Tribunal cum V Small Causes Court, Chennai, claiming compensation of Rs.10,00,000/- as compensation. The Tribunal, after considering oral and documentary evidence, has awarded a sum of Rs.1,53,500/- as compensation with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit. The break-up details of the compensation read as under:

|                       |   |     |          |
|-----------------------|---|-----|----------|
| Permanent disability  | - | Rs. | 67,500/- |
| Loss of Income        | - | Rs. | 31,500/- |
| Transport to Hospital | - | Rs. | 2,000/-  |
| Extra nourishment     | - | Rs. | 6,000/-  |
| Damages               | - | Rs. | 1,000/-  |
| Medical Expenses      | - | Rs. | 15,127/- |

Pain and suffering - Rs. 30,000/-

Total - Rs.1,53,127/-

Rounded off - Rs.1,53,500/-

Challenging the award as inadequate, the claimant has filed this Civil Miscellaneous Appeal.

2. The contention of the learned counsel for the appellant is that the percentage of disability which is assessed by the Doctor has not been properly taken note of by the Tribunal and thus, the compensation awarded is not adequate. In other words, the Tribunal has awarded disablement compensation at Rs.1,500/- per percentage of disability, which is grossly inadequate, whereas, considering the present cost of living, this Court, long back, has passed an order awarding compensation of Rs.3,000/- per percentage of disability.

2.1. This contention is well founded and compensation has to be assessed at Rs.3,000/- per percentage and if that is quantified, the disablement compensation should be Rs.1,35,000/- (Rs.3,000/- x 45%).

3. Learned counsel for the appellant submitted that attendant charges, loss of amenities has not been awarded by the Tribunal.

3.1. Considering the nature of the injuries and period of treatment, this Court awards a sum of Rs.5,000/- each towards attendant charges and loss of amenities. The transport expenses is enhanced from Rs.2,000/- to Rs.5,000/-. The break-up details of the enhanced amount read as follows:

|                       |   |               |
|-----------------------|---|---------------|
| Permanent disability  | - | Rs.1,35,000/- |
| Loss of Income        | - | Rs. 31,500/-  |
| Transport to Hospital | - | Rs. 5,000/-   |
| Extra nourishment     | - | Rs. 6,000/-   |
| Damages               | - | Rs. 1,000/-   |
| Medical Expenses      | - | Rs. 15,127/-  |
| Pain and suffering    | - | Rs. 30,000/-  |
| Attendant Charges     | - | Rs. 5,000/-   |
| Loss of Amenities     | - | Rs. 5,000/-   |
| Total                 | - | Rs.2,33,627/- |

4. In the result, this Civil Miscellaneous Appeal is allowed, enhancing the compensation from Rs.1,53,127/- to Rs.2,33,627/-, which is payable with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit. No costs.

5. The second respondent Insurance Company is directed to deposit the entire amount of compensation, less the amount already deposited if any, with interest at the rate of 7.5% from the date of petition till the date of deposit, (less the interest amount for the default period, if any), within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimant/appellant is permitted to withdraw the enhanced amount, less the amount already withdrawn, if any. The appellant shall pay the court fee due, if any.

Sd/-

Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

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To

1. The Vth Judge,  
Small Causes Court,  
Motor Accidents Claims Tribunal,  
Chennai.

2. The Section Officer,  
V.R.Section, High Court, Madras.

+1cc to Mr.J.Chandran, Advocate Sr. 75962

+1cc to Mr.M. Selvam, Advocate Sr. 74948

C.M.A.No.836 of 2014

LKJI (CO)  
VR(22/5/2017)

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