

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.865 of 2014

K.Veeraraghavan

... Appellants/Petitioner

versus

1. Manikandan

2. M/s. United India Insurance Co. Ltd.

Chander Plaza, 1st Floor,

No. 48, Arcot Road,

Saligramam, Chennai - 600 017.

... Respondent/Respondent

Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award passed by the learned Motor Accident Claims Tribunal, (Small Causes Court No. VI), Chennai, in M.C.O.P. No. 2542 of 2007 dated 12.11.2009.

For Appellants : Mr.G. Balachandran

For Respondent : Exparte (R1)

Mr. D. Bhaskaran (R2)

JUDGMENT

The claimant by name Veeraraghavan aged 27 years, employed as a Mechanic, earning a sum of Rs.350/- per month, met with an accident on 27.06.2007. In respect of the injuries sustained in the said accident, the claimant filed a claim petition in M.C.O.P. No. 2542 of 2007, claiming a sum of Rs.3,00,000/- as compensation. As against the claim made, the tribunal has awarded a sum of Rs. 1,92,500/-, under the following heads:

1. Loss of Income for 5 months

at the rate of Rs. 6000 per month - Rs. 30,000/-

2. Transportation - Rs. 5,000/-

3. Extra Nourishment - Rs. 5,000/-

4. Damage to Clothes - Rs. 1,000/-

5. Medical Expenses - Rs.1,01,500/-

6. Pain and Suffering - Rs. 15,000/-

7. Disability of 35% at the

rate of Rs.1,000/-

per disability

- Rs. 35,000/-

Rs. 1,92,500/-

2. Challenging the said award the claimant has preferred this Civil Miscellaneous Petition, seeking enhancement of compensation.

3. The learned counsel for the appellant, relied up the following two judgments of this Court:

1. R. Pramanathan @ Prakash versus The Managing Director and another reported in 2008 (1) TN MAC 300.
2. National Insurance Co. Ltd., versus G. Ramesh reported in 2013 (2) TN MAC 583

3.1. The learned counsel for the appellant contended that in the Judgment of this Court in National Insurance Co. Ltd., versus G. Ramesh reported in 2013 (2) TN MAC 583, where the accident is said to have occurred in the year 2009, taking into account the cost of living, the compensation was awarded at the rate of Rs.3,000/- per percentage of disability. This decision cannot be applied as the accident happened in the year 2007 and not in the year 2009.

3.2. In so far as the Judgment in R. Pramanathan @ Prakash versus The Managing Director and another reported in 2008 (1) TN MAC 300 is concerned, the accident is alleged to have taken place in the year 1995 and a sum of Rs.2,000/- per percentage of disability was awarded as compensation. If the same is adopted in this case, then the compensation in respect of disability would be Rs.70,000/-.

4. This Court, considering the submissions made on either side and also perusing the materials on record and also considering the fact that the accident is of the year 2007, by following the Judgment of this Court in R. Pramanathan @ Prakash versus The Managing Director and another reported in 2008 (1) TN MAC 300, deems it fit to award a sum of Rs.2,000/- per percentage of disability. Accordingly a sum of Rs. 70,000/- is awarded under the head 'permanent disability' (enhancing a sum of Rs. 35,000/-). सत्यमेव जयते

5. It is pointed out that compensation on account of loss of amenities is not given. Considering the nature of injuries and the age of the claimant, a sum of Rs.10,000/- is awarded towards loss of amenities.

6. It is also contended that the amount of Rs.15,000/- awarded towards pain and suffering and Rs.5,000/- towards traveling expenses are very meagre.

6.1. Having regard to the nature of injuries and period of treatment, the compensation awarded towards pain and suffering is enhanced from Rs. 15,000/- to Rs.25,000/- and the traveling

expenses are enhanced from Rs. 5,000/- to Rs.10,000/-. Hence, the overall enhancement is Rs.60,000/-. The break-up details of the enhanced compensation read as under:

1. Loss of Income for 5 months	
at the rate of Rs. 6000 per month	- Rs. 30,000/-
2. Transportation	- Rs. 10,000/-
3. Extra Nourishment	- Rs. 5,000/-
4. Damage to Clothes	- Rs.
1,000/-	
5. Medical Expenses	- Rs.1,01,500/-
6. Pain and Suffering	- Rs. 25,000/-
7. Disability of 35% at the	
rate of Rs.2,000/-	
per disability	- Rs. 70,000/-
8. Loss of amenities	- Rs. 10,000/-

	Rs. 2,52,500/-

7. In the result, this Civil Miscellaneous Appeal is allowed, enhancing the amount of compensation from Rs. 1,92,000/- to Rs. 2,52,000/-, which is payable by the Insurance Company, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

8. The Insurance Company shall deposit the enhanced compensation, less the amount already deposited if any, along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, within a period of four weeks from the date of receipt of copy of this order. On such deposit, the Claimant is permitted to withdraw the same. No Costs.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
(Small Causes Court No. VI), Chennai.

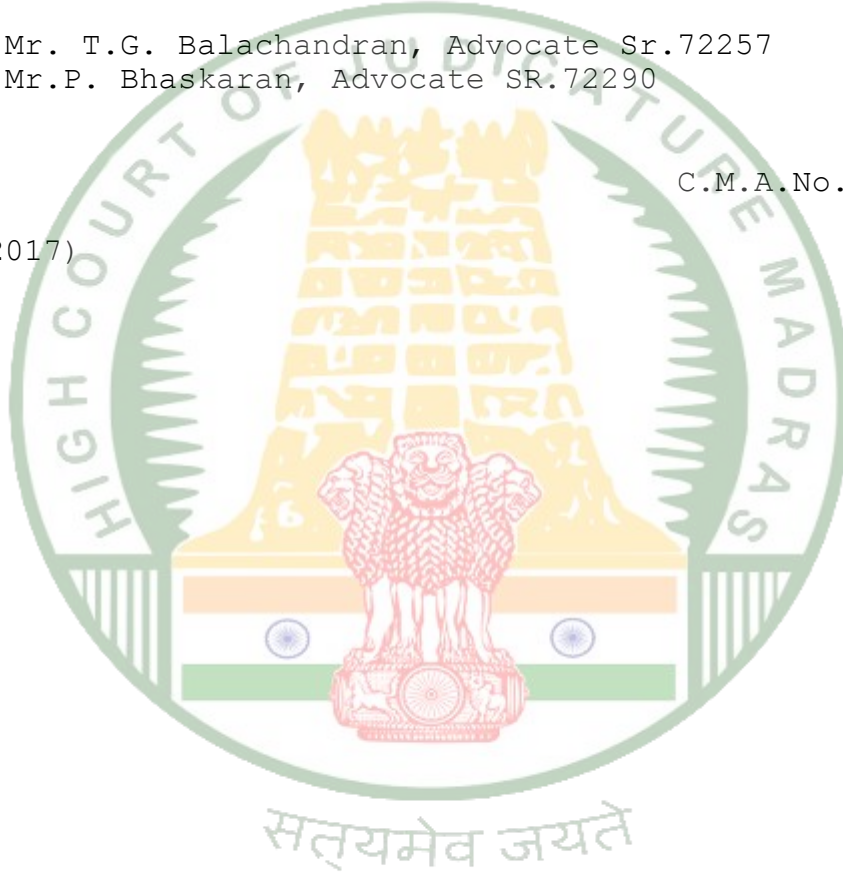
2. The Section Officer, VR Section,
High Court, Madras.

+ 1 cc to Mr. T.G. Balachandran, Advocate Sr.72257

+ 1 cc to Mr.P. Bhaskaran, Advocate SR.72290

C.M.A.No.865 of 2014

NM(CO)
EU(28/10/2017)



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