

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.M.A.No.1416 of 2016

Kanniga Parameswari

... Appellant/Petitioner

Versus

1. Mr.Ponnappan
2. The Branch Manager,
National Insurance Co., Ltd.,
Manjakuppam,
Cuddalore-1.

(Notice is dispensed with 1st Respondent
was set ex-parte before the Trial Court)

... Respondents/Respondents

Appeal filed under Section 173 of Motor Vehicle Accidents Claims Tribunal against the order dated 08.09.2014 made in M.C.O.P.No.2231 of 2007, on the file of the MACT/Special Judge, Sub Court, Cuddalore, and pass an order by enhancing the compensation for a further sum of Rs.12,00,000/- with interest at 9% from the date of petition till realization with cost.

For Appellant : Mr.R.Muralidharan

For Respondents : Mr.R.Babu (R1)
Mr.Sankaranarayan (R2)

J U D G M E N T

Challenging the quantum of compensation awarded by the Tribunal, by an order dated 08.09.2016, in M.C.O.P.No.2231 of 2007, the claimant has come up with this Civil Miscellaneous Appeal.

2. A perusal of the award would go to show that fixing monthly income @ Rs.4000/- per month and disability @ 50% and by adopting the multiplier of 16, the tribunal has awarded a sum of Rs. 3,84,000/- under the head disability. Whereas the learned counsel for the appellant contended that though the doctor has assessed the disability @ 80%, the tribunal has fixed disability only @ 50%.

4. However, considering the nature of injuries, as well as the fracture sustained by the petitioner, fixing 80% as disability, the compensation at Rs.6,14,000/- (48,000x16x80/100) is awarded under this head and the amount

awarded under the head Loss of Amenities is enhanced to Rs.50,000/- and the transport expenses including future transport expenses is awarded at Rs.20,000/-

5. Considering the submissions made by the learned counsel appearing on either side, the compensation awarded by the Tribunal under various heads are revised as follows:

Heads	Award of the tribunal	Revised Award
a) Disability	Rs.3,84,000/-	Rs.6,14,400
b) Pain & Sufferings	Rs. 40,000	Rs. 40,000
c) Transport	Rs. 2,750/-	Rs. 20,000
d) Future Transport expenses	Rs.10,000/-	(including future transport expenses)
e) Medical Bills	Rs.1,63,504/-	Rs.1,63,504/-
f) Nutrition Expenses	Rs. 30,000/-	Rs. 30,000/-
g) Loss of Amenities	Rs. 30,000/-	Rs. 50,000/-
Total Award	Rs.6,87,605/-	Rs.9,17,904/-

5. In the result, this appeal is partly allowed and Award dated 08.09.2014, in M.C.O.P.No.2231 of 2007 is enhanced from Rs.6,87,605/- to Rs.9,17,904/-, which shall carry interest @ 7.5% per annum from the date of petition till the date of deposit. The Second Respondent- Insurance Company is directed to deposit the enhanced award amount along with interest, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the same. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

arr

To

The Motor Accident Claims Tribunal/
Special Judge, Sub Court,
Cuddalore.

+1cc to Mr.R.Muralidharan, Advocate, S.R.No.15044
+1cc to Mr.P.Sankaranarayan, Advocate, S.R.No.14905

C.M.A.No.1416 of 2016

GJ (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

CA (04/04/2017)