

J U D G M E N T

(Judgment of the Court was made by S.Manikumar,J)

That on 29/10/2011, about 6.00 p.m., when the appellant was riding his two wheeler, bearing Registration No.TN10V-0189, near Vetakudi Village, the first respondent drove his Tata Ace, bearing Registration No.TN31-AV-7700 and insured with the second respondent - Insurance Company, in a rash and negligent manner, hit the motorcycle, in the result, appellant/motorcyclist sustained grievous injuries.

2. Claiming compensation of Rs.40,00,000/-, the appellant filed M.C.O.P.No.5598 of 2011, on the file of the Motor Accident Claims Tribunal (II Court of Small Causes), Chennai.

3. Vide judgment, dated 11/9/2014, the Tribunal, held that the driver of Tata Ace was negligent in causing the accident and consequently, fastened liability on the Insurance Company, to pay compensation and quantified as Rs.14,99,800/-, with interest, at the rate of 7.5% p.a., from the date of claim till realisation.

4. Not satisfied with the quantum of compensation, the injured has

filed the instant appeal.

5. We have gone through the award. On the appeal filed for enhancement of compensation, we have requested the learned counsel for both parties to consider the award made under various heads, and whether compensation could be enhanced, on the principle of just compensation.

6. Going through the same, and after deliberation, learned counsel for the parties, on consensus, agreed that compensation awarded by the Tribunal should be enhanced to Rs.21,10,600/- as hereunder:

Loss of Income	...	Rs. 36,000
Transportation	...	Rs. 20,000
Extra nourishment	...	Rs. 7,000
Damages to clothes	...	Rs. 1,000
Medical expenses	...	Rs.7,80,000
Attender charges	...	Rs. 15,000
Loss of amenities	...	Rs. 25,000
Pain and suffering	...	Rs. 75,000
Future medical expenses	...	Rs. 50,000
Permanent disability		
60% x 3000	...	Rs. 1,80,000
Loss of future hearing power	...	Rs. 9,21,600
(12,000 x 40%-100x12x16		

		Rs.21,10,600

Amount awarded by the Tribunal	...	Rs.14,99,800/-
Amount now determined	...	Rs.21,10,600/-

Enhanced amount		Rs. 6,10,800/-

7. In the light of consensus arrived, the injured/appellant is entitled to Rs.21,10,600/-, with interest at the rate of 7.5% p.a., from the date of claim, till deposit.

8. United India Insurance Company Limited, Viruthachalam, is directed to deposit the entire award amount, with proportionate interest and costs, to the credit of M.C.O.P.No.5598 of 2011, within a period of six weeks, from the date of receipt of a copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the same, by making necessary application before the tribunal.

9. The **Civil Miscellaneous Appeal** is partly allowed, as indicated above. No costs.

(S.M.K.,J) (M.G.R.,J)
8th June 2017

Index: yes/No
website: Yes/No

mvs

To

The Motor Accident Claims Tribunal (II Small Causes Court) Chennai.

S.MANIKUMAR,J

A N D

M.GOVINDARAJ,J

mvs.

C.M.A. No.72 of 2015

8/6/2017

<http://www.judis.nic.in>