

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.486 of 2017

Maragatham

...Appellant/ Petitioner

Vs.

1. Muthu

2. The New India Assurance Company Ltd,
Branch office, 66-C, North Car Street,
Tiruchengode - 637 211. ... Respondents/Respondents

(R1 was set exparte before the tribunal)

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 30.07.2013 made in M.C.O.P.No.457 of 2011 on the file of the Motor Accident Claims Tribunal, Cum Subordinate Court, Sangagiri.

For Petitioner : M/s. C.Kulanthaivel
For 2nd Respondent : Mr. J.Chandran

J U D G M E N T

Challenging the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.457 of 2011, on 30-07-2013, the claimant has come forward with this Civil Miscellaneous Appeal.

2. Heard the submissions made by the learned counsel on either side and perused the materials on record.

3. A perusal of the award would go to show that P.W.2- Doctor, who examined the claimant has assessed the disability @ 26% and issued Ex.P9- disability certificate. But, the tribunal has fixed the disability @ 20% and taking a sum of Rs.2,000/- per percentage has awarded a sum of Rs.40,000/- towards disability.

3. Considering the nature of injuries suffered by the claimant, 26% is fixed as disability. It is seen that the accident is of the year 2011 and therefore taking a sum

Rs.3,000/- per percentage a sum of Rs.78,000/- is awarded towards disability and also on considering the nature of injuries sustained, a sum of Rs.10,000/- is awarded towards attendant charges and another sum of Rs.10,000/- is awarded towards nutrition.

4. After hearing 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 (26x3000)	Rs.40,000/-	Rs.78,000
b) Pain & Sufferings Rs.20,000/-	Rs. 5,000/-	
c) Medical expenses	Rs. 19,700/-	Rs.20,000/-
d) Loss of income for three months (Rs.4,500x3)	Rs. 9,000/-	Rs. 13,500/-
e) Transport	Rs. 5,000/-	Rs. 10,000/-
f) Attendant charges		Rs. 10,000/-
g) Nutrition		Rs. 10,000/-
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Total Award	Rs.78,700/-	Rs.1,61,500/-
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5. In the result, this appeal is partly allowed and Award dated 13.06.2011, in M.C.O.P.No.457 of 2011 is enhanced from Rs.78,700/- to Rs.1,61,500/-, which shall carry interest @ 7.5% per annum from the date of petition till the date of deposit. It is represented that amount awarded by the Claims Tribunal has already been deposited. Hence, the Second Respondent- Insurance Company is directed to deposit the balance 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

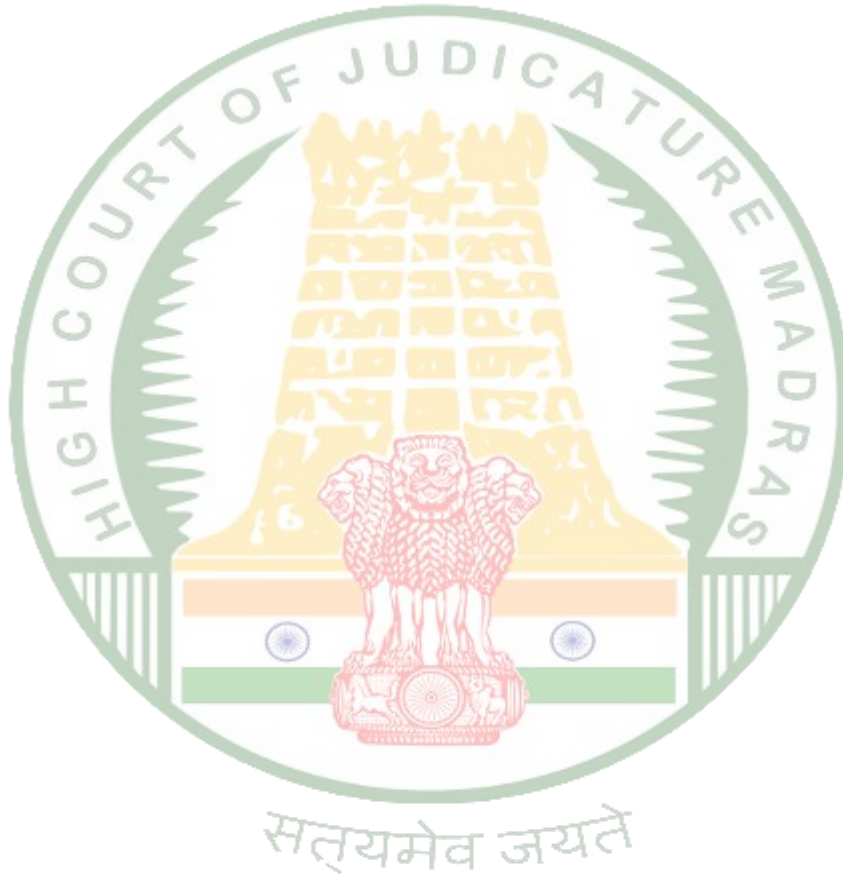
To

1. The Subordinate Judge
Motor Accident Claims Tribunal cum Subordinate Court,
Sangagiri.

+1 CC to M/s. C.Kulanthaivel, Advocate sr 15346

CMA.No.486 of 2017

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