

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.931 of 2017

Sulaiman @ Lalkhan Jawathkhan ...Appellant/Petitioner

vs.

1. Govindan
2. Future General India Insurance Co.,
Trichy-1.
3. Avuranjam ...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Order and Decretal Order in MCOP No.343 of 2011 dated 30.10.2015 on the file of Motor Accidents Claims Tribunal (Principal Sub Court), Vridhachalam.

For Appellant : Mr.S.Udayakumar
For Respondents : Mr.N.Vijayaraghavan (for R2)

J U D G M E N T

[Order of the Court was made by S.MANIKUMAR, J.]

Not satisfied with the quantum of compensation of Rs.33,03,453/- with interest at the rate of 7.5% per annum, from the date claim till deposit and costs, to the injured, aged about 38 years, an Irrigation and Plumbing Supervisor, who suffered 70% disablement, due to the crush injury, resulting in amputation of left leg, has filed the instant appeal for enhancement of compensation, and restricted to Rs.20,00,000/-.

2. Going through the award and material on record, we could deduce that appellant/injured was hospitalised between 21.09.2011 and 11.10.2011 in Pondicherry-PIMS Hospital. Income claimed was 350 Kuwait Dinars. Supporting avocation and salary, the appellant/injured has marked Ex.P.17, copy of the Passport, Ex.P18, Return Air Ticket to Kuwait, Ex.P19, Salary certificate for 320 Kuwait Dinar, Ex.P20, copy of Employment ID Card, Ex.P22, letter of the employer removing from service and Ex.P23, Order sanctioning, terminal benefits to the appellant/injured.

3. On the basis of oral and documentary evidence, the tribunal fixed the monthly income as Rs.20,000/-. Finding that there is a permanent disablement, due to amputation of left leg, and correlating the same, with employment, the tribunal has awarded compensation of Rs.33,03,453/-, with interest at the rate of 7.5% per annum, from the date of claim till deposit.

4. On the appeal filed for enhancement of compensation, we have requested the learned counsel for both parties to consider the various heads under which compensation could be enhanced, on the principle of just compensation.

5. Going through the same, learned counsel for the parties on consensus agreed that compensation awarded by tribunal should be enhanced to Rs.51,90,453/-, as hereunder:

Monthly Income is fixed at	: Rs.25,000/-
Future prospects 50%	: Rs.12,500/-
Total income	: Rs.37,500/-
Loss of Income	
[Rs.37,500/- x 12 x 15 x 70%]	: Rs.47,25,000/-
Pain and suffering	: Rs. 1,50,000/-
Attender charges	: Rs. 30,000/-
Extra Nourishment	: Rs. 30,000/-
Medical Bills	: Rs. 2,05,453/-
Transport based on Exs.P16 & P27	: Rs. 50,000/-
Total	: Rs.51,90,453/-
Compensation awarded by the Tribunal	: Rs.33,03,453/-
In the light of consensus, amount is enhanced by	: Rs.18,87,000/-

6. In the light of consensus arrived, appellant/injured is entitled to an enhanced compensation of Rs.51,90,453/- as against Rs.33,03,453/-, awarded by the tribunal, with interest, at the rate of 7.5% per annum, from the date claim till deposit.

7. In view of the above, we direct Future General India Insurance Company, Trichy, the 2nd respondent herein, to deposit the enhanced amount of Rs.51,90,453/-, with interest, at the rate of 7.5% per annum, from the date of claim till deposit and costs, less the statutory deposit, to the credit of MCOP No.343 of 2011 on the file of Motor Accidents Claims Tribunal (Principal Sub Court), Vridhachalam, within a period of four 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 applications before the tribunal.

8. The Civil Miscellaneous Appeal is allowed as indicated above. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

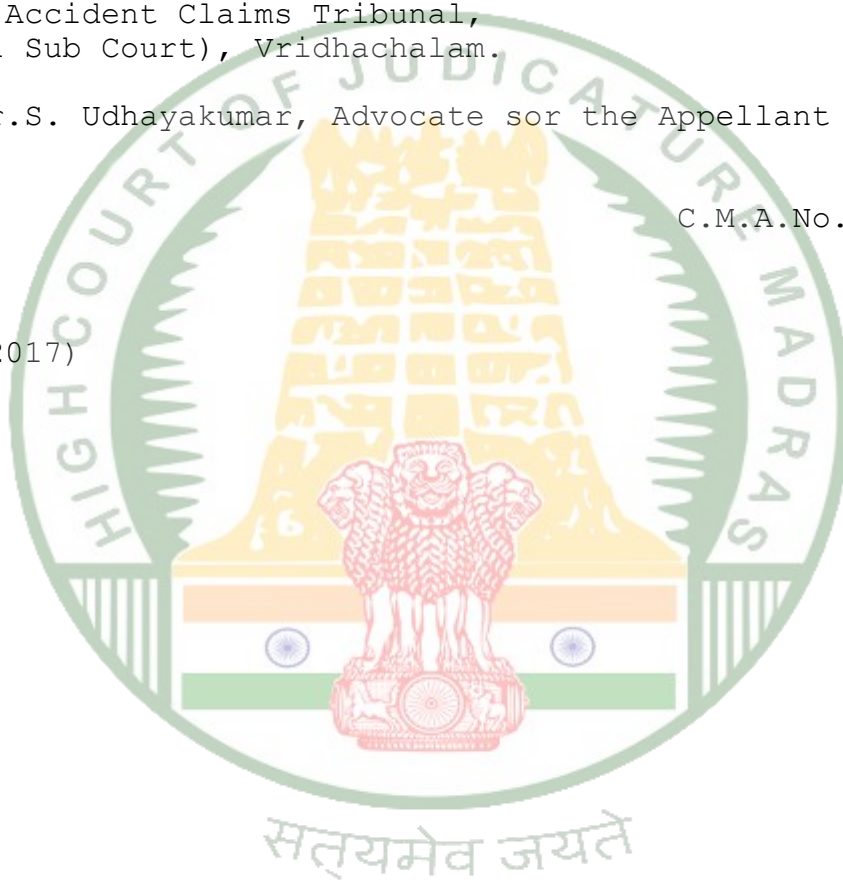
To

The Motor Accident Claims Tribunal,
(Principal Sub Court), Vridhachalam.

+1cc to Mr.S. Udhayakumar, Advocate sor the Appellant Sr. 16055

C.M.A.No.931 of 2017

KJ(CO)
VR(23/03/2017)



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