

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 28.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

C.M.A.No.2557 of 2006

R.Subash

... Appellant/Petitioner

-VS-

1.E.Rajendran

2.The National Insurance Co. Ltd.,
No.751, Mount Road, III Floor,
Chennai - 600 002. ... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.02.2006 made in M.C.O.P.No.4383 of 2000 on the file of the Motor Accidents Claims Tribunal (V Judge, Court of Small Causes), Chennai.

For Appellant : M/s.Ramya V.Rao

For Respondent No.1 : Notice Dispensed with(Vide order of this court dated 28/2/2017)
(Memo recorded regarding R-1)

For Respondent No.2 : Mr.D.Baskaran

J U D G M E N T

The claimant is the appellant. He filed M.C.O.P.No.4383 of 2000 on the file of the Motor Accidents Claims Tribunal (V Judge, Court of Small Causes), Chennai, claiming compensation of Rs.20,00,000/- for the injuries sustained by him in a motor accident on 28.01.2000. The first respondent is the owner of the offending vehicle. The offending vehicle was insured with the second respondent / Insurance Company. The Tribunal has awarded a total compensation of Rs.7,80,500/- with interest at the rate of 7.5% per annum. The present appeal has been preferred for enhancement of compensation.

2. After considering the oral and documentary evidence, the Tribunal held that the accident occurred due to the negligent act of the driver of the Tipper Lorry.

3. The accident occurred on 28.01.2000 at about 12.45 hours. It is not in dispute that the offending vehicle was insured with the second respondent.

4. A perusal of records would show that the claimant took treatment for nearly four years for unstable fracture pelvis with serious urethral injuries leading to the fixation of urinary tube to drain urine. The Tribunal awarded only Rs.7,500/- towards Transportation. This Court deem it fit to award an additional sum of Rs.15,000/- under the head of Transportation.

5. The Tribunal omitted to award any amount under the head extra-nourishment. Having regard to the nature of injuries and prolonged treatment, I am inclined to award Rs.20,000/- under this head. The Tribunal has also omitted to award any amount under the head attendant charges. It would be reasonable to award Rs.20,000/- under this head. The Tribunal awarded only a meagre sum of Rs.1,000/- towards future medical expenses. Considering the nature of injuries sustained by the claimant, I am inclined to enhance the amount to Rs.25,000/- for future medical expenses. No amount was awarded under the head loss of amenities by the Tribunal. The claimant was aged 20 years at the time of accident and sustained urinary problems. I am inclined to award Rs.50,000/- under the head loss of amenities. The compensation is reassessed as detailed below:

Sl.No	Heads	Calculation
1.	Loss of Income	Rs.72,000.00
2.	Loss of Consortium	Rs.1,00,000.00
3.	Pain and Sufferings	Rs.1,00,000.00
4.	Permanent Disability	Rs.2,00,000.00
5.	Loss of Earning Power	Rs.3,00,000.00
6.	Transportation	Rs.22,500.00
7.	Future Medical Expenses	Rs.25,000.00
8.	Extra-Nourishment	Rs.20,000.00
9.	Attendant Charges	Rs.20,000.00
10.	Loss of Amenities	Rs.50,000.00
Total	Compensation Awarded	Rs.9,09,500.00

6. In the result, the Civil Miscellaneous Appeal is partly allowed to the extent as indicated above. The second respondent-Insurance Company is directed to deposit the enhanced award amount of Rs.9,09,500/- [Rupees Nine Lakhs Nine Thousand Five Hundred only] with interest @ 7.5% per annum and costs, less the statutory deposit, to the credit of M.C.O.P.No.4383 of 2000 on the file of the Motor Accidents Claims Tribunal (V Judge, Court of Small Causes), Chennai, within a period of six weeks from the date of receipt of a copy of this order. The appellant-claimant is permitted to withdraw the enhanced compensation amount awarded by this Court with proportionate interest less the amount already withdrawn, if any, by making necessary application before the Tribunal. There shall be no orders as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sri
To

The Motor Accidents Claims Tribunal
(V Judge, Court of Small Causes),
Chennai.

+lcc to Mr.D.Bhaskaran,Advocate sr.13089

msm(co)
ss(21/3/2017)

C.M.A.No.2557 of 2006

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