



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.100 of 2017

S.Sivaramakrishna

... Appellant/Petitioner

Vs.

1. Mrs.Thaslim Begum

2. The Manager,
Reliance General Insurance Company Limited,
6, Haddows Road, Nungambakkam,
Chennai-600 034.

...

Respondents/Respondents

(1st respondent exparte in the lower court.

Notice not necessary may be dispensed with)

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree made in M.C.O.P.No.350 of 2012, on the file of the II Additional Sub-Court(Motor Accident Claims Tribunal), Madurai, dated 31.03.2016.

For Appellant : Mr.G.Vakeeswaran

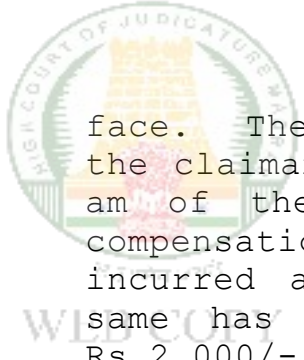
For Respondents : Mr.V.Sathivel for R2

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him. He also aggrieved by the fact that liability was fastened on the vehicle owner and not on the insurer. The Tribunal exonerated the insurer, since the insurance policy was not marked during the claim proceedings. Therefore, the claimant has filed C.M.P.(MD).No.2655 of 2017, for adducing the additional evidence. The said Civil Miscellaneous Petition stands allowed. That the offending vehicle was insured at the relevant point of time is not in dispute. Therefore, this Court must proceed on the premise that the offending vehicle had the requisite insurance and that the insurer who must be directed to satisfy the award. The same is marked as Ex.P6 and Ex.P7.

3.The question is what should be the compensation awarded to the claimant. The claimant had suffered two fractures on the



face. The doctor had assessed the disability at 36%. Therefore, the claimant was awarded a sum of Rs.54,000/- as compensation. I am of the view that it should be doubled. The disability compensation is assessed at Rs.1,08,000/-. The claimant had incurred a sum of Rs.15,000/- towards medical expenditure. The same has to be awarded. For pain and suffering a sum of Rs.2,000/- can be awarded. For transportation a sum of Rs.2,500/- can be awarded and further a sum of Rs.2,500/- can be awarded towards extra nourishment. Therefore, a sum of Rs.1,30,000/- can be awarded as compensation in favour of the claimant.

4. Therefore, the award dated 31.03.2016, made in M.C.O.P.No.350 of 2012, on the file of the II Additional Sub-Court (Motor Accident Claims Tribunal), Madurai, is modified accordingly.

5. The second respondent is directed to deposit the compensation amount of Rs.1,30,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this judgment less the amount already deposited, if any. On such deposit, the appellant/claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

6. This Civil Miscellaneous Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar (CS-

I)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Subordinate Judge,
Motor Accident Claims Tribunal, Madurai.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

Copy To:-

Mrs.Thaslim Begum, W/o.Zahir Hussain,
New No.2, Panthalkudi 1st Street,
Madurai 625 020

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

+ 1 CC TO Mr.C.VAKEESWARAN, ADVOCATE IN SR No. 93263



+ 1 CC TO Mr.V.SAKTHIVEL, ADVOCATE IN SR No. 93317

TSG

TE/SB/SAR-4 : 09/07/2018 : 2P/7C

C.M.A. (MD) No.100 of 2017
18.12.2017

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