



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1039 of 2017

Rajasekar

... Appellant

Vs.

1.Arivalagan

2.The Branch Manager,
The Oriental Insurance
Company Limited,
Sri Vijaya Complex 2nd Floor,
Theni.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 04.12.2014 made in MCOP.No.199 of 2014 on the file of the Motor Accident Claims Tribunal / Principal Sub Court, Dindigul.

For Appellant : Mr.A.Saravanan

For Respondents : Mr.K.Bhaskaran for R2

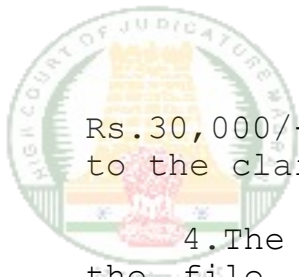
No appearance for R1.

JUDGMENT

The injured claimant has filed this appeal seeking enhancement of compensation awarded to him.

2.The injured claimant was a student. He was aged 18 years at the time of accident. The claimant had suffered skull fracture, left side hip fracture and also lost his vision in the left eye. There are three other fractures. Considering the injuries suffered by the claimant, one has to necessarily treat his case as functional disability and adopt multiplier method.

3.Since he was a student, we have to go by notional income which can be taken as Rs.30,000/- per annum. Therefore, the pecuniary loss to the family will be Rs.5,40,000/-. A sum of Rs.60,000/- can be given towards pain and sufferings. Towards medical expenses incurred and to be incurred, a sum of Rs.2,00,000/- can be awarded. For attender charges, a sum of Rs.20,000/- can be awarded. For transportation and extra nourishment a sum of



Rs.30,000/- can be awarded. Thus, the total compensation payable to the claimant would come to Rs.8,50,000/-.

4.The award dated 04.12.2014 made in MCOP.No.199 of 2014 on the file of the Motor Accident Claims Tribunal / Principal Sub Court, Dindigul is modified. The compensation payable to the claimant is enhanced from a sum of Rs.5,27,290/- to Rs.8,50,000/-.

5.The second respondent insurance company is directed to deposit the sum of Rs.8,50,000/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, 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 claimant is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Dindigul.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies).

+1CC to Mr.A.Saravanan, Advocate in SR.No.92896.

+2CC to Mr.K.Bhaskaran Advocate in SR.Nos.93105,93321.

SKM

DS/SKN-RSK/SAR-1 : 09.07.2018: 2P/7C

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