



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANC.M.A. (MD).No.1083 of 2016

S.Palaniswamy

... Appellant/Claimant

Vs.

1.C.Manokaran

2.National Insurance Company,

Through its the Branch Manager,

Maruthi Complex,

F 215, Omalur Main Road, Swarnapuri,

Salem District.

... Respondents/Respondents

Prayer:- This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and decree dated 31.03.2006 made in M.C.O.P.No.228 of 2000, on the file of the Motor Accident Claims Tribunal cum Sub Court, Palani.

For Appellant : Mr.C.K.M.Appaji

For Respondents : Mr.J.S.Murali for R2

R1-No appearance

JUDGMENT

Heard the learned counsel on either side.

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

3.The claimant met with an accident on 12.03.2000. He suffered injuring both in his hand as well as left leg. The Doctor assessed his partial permanent disability at 58%. However, the Tribunal awarded a sum of Rs.20,000/- alone under this head, I am of the view that a sum of Rs.58,000/- ought to have awarded in this regard.

4.Therefore, the compensation payable to the claimant will have to be reworked as under:-

Sl.No	Heads	Amounts in Rupees
1.	For Partial Permanent disability	Rs. 58,000/-
2.	For medical bills	Rs. 55,000/-
3.	For damages to his vehicle	Rs. 1,000/-
4.	For extra nourishment	Rs. 5,000/-
5.	For Transportation	Rs. 1,000/-
6.	For pain and suffering	Rs. 20,000/-
	Total	Rs.1,40,000/-



5.The compensation payable to the claimant is enhanced from Rs.97,000/- to Rs.1,40,000/-. Therefore, the award dated 31.03.2006 made in M.C.O.P.No.228 of 2000, on the file of the Motor Accident Claims Tribunal cum Sub Court, Palani, is modified accordingly.

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6.The respondents 1 and 2 are directed to deposit the entire compensation amount of Rs.1,40,000/- 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 order, 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 On such deposit, the appellant/claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Subordinate Judge,
The Motor Accident Claims Tribunal Palani,

2.The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.J.S.Murali, Advocate, SR.No.91715
+One cc to Mr.C.K.M.Appaji, Advocate, SR.No.91590

Copy to:-

Thiru.C.Manokaran, S/o.Sikka Chetti,
Ilampillai, 2/97, Perumal Kovil Street, Salem District

tsg/Ls

RL/7C/2P/KK/SAR2/16/3/2018

C.M.A.(MD).No.1083 of 2016

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