

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 07.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.1089 of 2015**

Iffco Tokyo General Insurance Company Ltd,
Through its Branch Manager,
Office at Thiripura Arcade,
III Floor, No.75, Trivandrum Road,
Palayamkottai, Tirunelveli.

... Appellant/2nd Respondent

Vs.

1.Sri Rengan

... 1st Respondent/ Petitioner

2.Albin

...2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 05.02.2015 made in M.C.O.P No.329 of 2014 on the file of the Motor Accidents Claims Tribunal / Special Sub Judge, Tirunelveli.

For Appellant	: Mrs.K.R.Shiva Shankari for Mr.S.Srinivasaraghavan
For Respondents	: Mr.T.Selvakumaran for R1 No appearance for R2

JUDGMENT

Heard the learned counsel on either side.

2.The insurance company has filed this Civil Miscellaneous Appeal questioning the award dated 05.02.2015 made in M.C.O.P No.329 of 2014 on the file of the Motor Accidents Claims Tribunal / Special Sub Judge, Tirunelveli on the ground of quantum.

3.The principal ground urged by the learned counsel appearing for the appellant insurance company is that even though there is nothing on record to show that functional disability has occurred as a result of the accident, the Tribunal has adopted multiplier method.

4.I find force in the said submission. Therefore, the compensation payable to the claimants will have to be re-worked as under :



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For Disability	:	Rs.1,50,000/-
Attender charges	:	Rs. 25,000/-
Pain and sufferings	:	Rs.1,25,000/-
Loss of amenities	:	Rs.1,00,000/-
Medical expenses	:	Rs.1,00,000/-

Total **Rs.5,00,000/-**

5.The award dated 05.02.2015 made in M.C.O.P No.329 of 2014 on the file of the Motor Accidents Claims Tribunal / Special Sub Judge, Tirunelveli is accordingly modified.

6.The appellant insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till date of realization, and costs, 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the claimant is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any. The appellant insurance company is permitted to withdraw the balance amount, if any.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
Special Sub Judge, Tirunelveli .
2. The Record Keeper, VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Srinivasaraghavan, Advocate sr.No.85946
+1cc to Mr.T.Selvakumaran, Advocate Sr.No.85881

SKM
VB/GT/SAR3/21/12/2017/2P/5C