



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1124 of 2016

Muthulingam @ Kumar

... Appellant/Petitioner

Vs.

1. Regina

2. ICICI Lombard General Insurance Company Limited,
Through its Divisional Manager,
ICICI Lombard House,
No.414, Veer Savarkar Marg,
Near Siddhi Vinayak Temple,
Prabhadevi,
Mumbai-400 025.

... Respondents/Respondents

Prayer: This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.67 of 2013 on the file of the Motor Accident Claims Tribunal, (Principal Sub Judge), Tirunelveli, dated 29.01.2014.

For Appellant : Mr.T.Selvakumaran

For Respondents : R1-Dispensed with
Memo filed USR No.5008 dated
03.11.2012

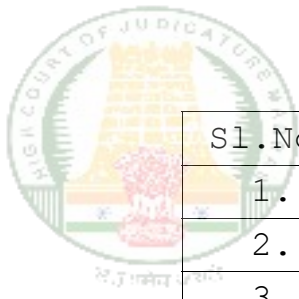
: Mr.K.K.Ramakrishnan for R2

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of the compensation. This is a case of injury. The claimant had suffered fracture in his right hand and lost his teeth. He was an inpatient in Government Hospital for a period of one month. The doctor assessed his disability at 59%. The Tribunal awarded a sum of Rs.1,71,000/- alone as compensation.

3.Considering the nature of injuries suffered by the claimant this has to be necessarily enhanced. The compensation payable to the claimant can be reworked as follows:-



Sl.No.	Heads	Amounts in Rupees
1.	For Disability compensation	Rs. 1,77,000
2.	For Loss of income	Rs. 40,000/-
3.	For extra nourishment	Rs. 10,000/-
4.	For pain and suffering	Rs. 30,000/-
5.	For loss of amenities	Rs. 10,000/-
6.	For the shake of mental agony	Rs. 30,000/-
	Total	Rs. 2,97,000/-

4.The compensation payable to the claimant will have to be enhanced from Rs.1,71,000/- to Rs.2,97,000/-. The award dated 29.01.2014 made in M.C.O.P.No.67 of 2013, on the file of the Motor Accident Claims Tribunal, (Principal Sub Judge), Tirunelveli, is modified accordingly.

5.The second respondent is directed to deposit the compensation amount of Rs.2,97,000/- 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 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 is allowed accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Principal Sub Judge,
The Motor Accidents Claims Tribunal, Tirunelveli.

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

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.89387

+1cc to Mr.K.K.Ramakrishnan, Advocate Sr.No.89312

TSG

VB/GT/SAR3/28/12/2017/2P/5C