

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 29.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.1116 of 2015****WEB COPY**

Shanthi

... Appellant/Petitioner

Vs.

1. R.Balagurusamy

2. The Divisional Manager,
National Insurance Company Limited,
United Shopping Complex, 2nd Floor,
Dr.Nanjappa Road,
Coimbatore.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.295 of 2010 on the file of the Motor Accident Claims Tribunal, (Sub Judge), Kulithalai dated 06.09.2014.

For Appellant : Mr.T.Selvakumaran
For Respondents : Mr.J.S.Murali for R2
R1-Dispensed with

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation awarded to her. The injured suffered fracture in her left hand and right leg. She was an inpatient in a hospital for 18 days. She took treatment and underwent surgery in three hospitals. The doctor assessed her disability at 52%. But a sum of Rs.1,20,200/- alone was awarded. Therefore, the compensation payable to the claimant can be reworked as follows:-

Sl.No	Heads	Amounts in Rupees
1.	For disability	Rs. 1,56,000/-
2.	For medical expenses	Rs. 4,000/-
3.	For transportation	Rs. 10,000/-
4.	For extra nourishment	Rs. 15,000/-
5.	For pain and suffering	Rs. 50,000/-
6.	For loss of amenities	Rs. 15,000/-
7.	For attender charges	Rs. 10,000/-
	Total	Rs. 2,60,000/-



3.The compensation payable to the claimant is enhanced from Rs.1,20,200/- to Rs.2,60,000/-. The award dated 06.09.2014 made in M.C.O.P.No.295 of 2010, on the file of the Motor Accident Claims Tribunal, (Sub Judge), Kulithalai, is modified accordingly.

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4.The second respondent is directed to deposit the compensation amount of Rs.2,60,000/- 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Sub Judge,
Motor Accident Claims Tribunal,
Kulithalai.

+1cc to Mr.J.S.Murali, Advocate Sr.No.90454

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.90391

TSG

VB/GT/SAR1/23/01/2018/2P/4C

C.M.A. (MD) No.1116 of 2015

29.11.2017