



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1135 of 2016

Sudhakar Narayanan

... Appellant

Vs.

1.S.Krishnan

2.United India Insurance Company Ltd,
through its Branch Manager,
No.53, North Raja Street,
Thiruvallur - 602 001.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 01.09.2009 made in MCOP.No.370 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court/Fast Tract Court No.1, Tirunelveli.

For Appellant : Mr.T.Selvakumaran

For Respondents : Mr.M.P.Senthil for R1
Mr.N.Sivakumar for R2

JUDGMENT

The claimant has filed this appeal seeking enhancement of compensation awarded to him by judgment and decree dated 01.09.2009 made in MCOP.No.370 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court/Fast Tract Court No.1, Tirunelveli.

2.The claimant was travelling in a Maruthi van when it got involved in an accident with a Mahindra van insured with the second respondent herein. In the accident that took place on 20.10.2006, the appellant suffered serious injuries in the abdomen. He took treatment in Sundaram Foundation at Chennai. He was an inpatient for almost one and half months. Number of surgeries were performed on him. In fact, his stomach was kept open for observation and for performance of surgeries. The appellant was under treatment when the claim petition was filed.



3.Considering the nature of injuries and the treatment and surgeries performed on him, the compensation payable to the claimant will have to be re-worked as under :

Medical expenditure	: Rs.4,37,900/-
Transportation charges	: Rs. 13,000/-
Pain and sufferings	: Rs.2,00,000/-
Loss of income	: Rs.2,50,000/-
Extra nourishment	: Rs.12,000/-
Disability	: Rs.60,000/-
Total	: Rs.9,72,900/-

4.The compensation payable to the claimant is enhanced from a sum of Rs.5,72,900/- to a sum of Rs.9,72,900/-. The award dated 01.09.2009 made in MCOP.No.370 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court/Fast Tract Court No.1, Tirunelveli is modified.

5.Since the offending vehicle was insured with the second respondent, the second respondent is directed to deposit the said amount with interest at the rate of 7.5% 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 order, less the amount already deposited, if any. On such deposit, the claimant is permitted to withdraw the said amount, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

SKM

To

1.The Additional District Judge/Fast Tract Court No.1,
Motor Accidents Claims Tribunal,
Tirunelveli.

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

+1CC to Mr.T.Selvakumaran, Advocate Sr.No.87897

+1CC to Mr.N.Sivakumar, Advocate SrNo.87644

GJM/KK/SAR-3-19.12.2017-2p-5c

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