



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.M.A.(MD)No.1153 of 2015 and
MP(MD)No.1 of 2015Royal Sundaram Allance Insurance Company Ltd,
Number 176 D & E, Trivandrum Road,
Tirunelveli,
Rep.by its Branch Manager.

... Appellant

Vs.1.Murugan
2.Seenivasan

... Respondents

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 06.04.2015 made in MCOP.No.932 of 2014 on the file of the Motor Vehicles Accident Claims Tribunal, Special Sub Judge, Tirunelveli.

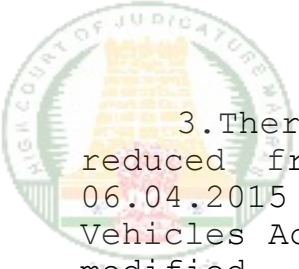
For Appellant : Mr.M.Jerin Mathew for Mr.M.E.Ilango
For Respondents : No appearance.**JUDGMENT**

The insurance company has filed this appeal questioning the award dated 06.04.2015 made in MCOP.No.932 of 2014 on the file of the Motor Vehicles Accident Claims Tribunal, Special Sub Judge, Tirunelveli on the ground of quantum.

2.The claimant had suffered crush injury on his right leg. Even though the functional disability has not been established, the Tribunal adopted multiplier method and awarded a sum of Rs.8,29,680/-. Therefore, this Court will have to necessarily interfere in the matter and rework the compensation as follows :

For disability compensation	: Rs 1,40,000/-
For loss of income	: Rs. 30,000/-
Transportation and attender charges	: Rs. 20,000/-
Pain and sufferings	: Rs. 50,000/-
Loss of amenities	: Rs. 40,000/-
Medical expenses (incurred and future)	: Rs.2,50,000/-

	Rs.5,30,000/-



3. Therefore, the compensation payable to the claimant is reduced from Rs.8,29,680/- to Rs.5,30,000/-. The award dated 06.04.2015 made in MCOP.No.932 of 2014 on the file of the Motor Vehicles Accident Claims Tribunal, Special Sub Judge, Tirunelveli is modified.

4. The appellant insurance company is directed to deposit the entire compensation with interest at the rate of 7.5% per annum 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 On such deposit, the claimant is entitled to withdraw the said amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Special Subordinate Judge,
Motor Vehicles Accident Claims Tribunal,
Tirunelveli.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.M.E.ILANGO, ADVOCATE IN SR No. 86223

SKM

TE/JC/SAR-4 : 30/01/2018 : 2P/5C

C.M.A. (MD) No.1153 of 2015 and
MP (MD) No.1 of 2015
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