

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 13.12.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.1212 of 2016**

Velayutham

... Appellant/Petitioner

Vs.

1. Anburaj
2. TATA AIG General Insurance
Company Limited,
through its Branch Manager,
Office at A-501, 5th Floor Building No.4,
Infinity Park,
Didoshi, Malad (E) Mumbai.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award amount in M.C.O.P.No.1015 of 2013 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli, dated 27.06.2014.

For Appellant

: Mr.T.Selvakumaran

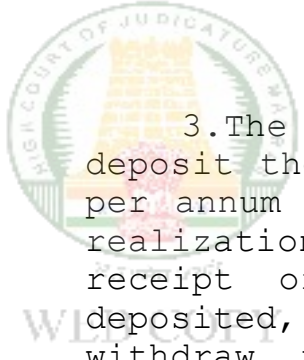
For Respondents

: Mr.S.Srinivasa Raghavan
for R2
No Appearance for R1

JUDGMENT

The claimant in this case seeks enhancement of the compensation awarded to him. He suffered three fractures. Both his hand as well as his leg were fractured in the accident in question. The doctor assessed the partial permanent disability at 47%. But, only a sum of Rs.2,000/- was awarded per percentage of disability. I am of the view that a further sum of Rs.47,000/- can be awarded towards disability compensation. Considering the nature of injuries suffered by him, a further sum of Rs.23,000/- can be awarded towards pain and sufferings. Accordingly, the compensation awarded to the claimant is enhanced from Rs.2,04,800/- to Rs.2,74,800 and it can be rounded off at Rs.2,75,000/-.

2.The award dated 27.06.2014 made in M.C.O.P.No.1015 of 2013 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli is modified.



3.The second respondent insurance company is directed to deposit the entire compensation amount along with interest @ 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claimant is entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This appeal is partly allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Special Subordinate Judge,
Motor Accident Claims Tribunal,
(Special Sub Court), Tirunelveli.

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

+1cc to Mr.T.Selvakumaran, Advocate Sr.No.92917

ARUL

VB/SV/MMS/SAR2/12.06.2018/2P/5C

C.M.A. (MD) No.1212 of 2016
13.12.2017