



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.12.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CMA (MD) No.1200 of 2014

Aravind

... Appellant

Vs.

1. M.Alex Jesus Prince, (died)
2. The Branch Manager,
Reliance General Insurance
Corporation,
Dhaya Plaza, South Bye pass road,
Wannarapettai,
Tirunelveli - 627 003.

3. R.Murugan

4. The Branch Manager,
National Insurance Corporation,
112, North Car Street,
Nagercoil - 629 001,
Kanyakumari District.

5. Rani

6. Minor A.Fredi

7. Minor Jofree
(Proposed minor respondents
are rep.by their mother,
natural guardian and next
friend, 5th respondent)

(R5 to R7 are brought on record
as Lrs of the deceased First
respondent vide order dated
31.10.2014 made in
MP(MD)No.4 of 2012 in
CMA SR.9854 of 2012)

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 19.08.2010 made in MCOP.No.166 of 2009 on the file of the Motor Accident Claims Tribunal (Sub Court) Valliyoor.



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For Appellant

: Mr.A.R.Jeya Rhuthran

For Respondents

: Mr.S.Srinivasa Raghavan
for R2

R1-Died,

R3, R5 to R7 - No appearance

JUDGMENT

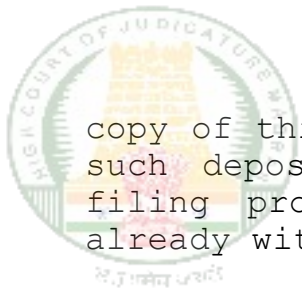
The injured claimant has filed this appeal seeking enhancement of compensation awarded to him. He was travelling as a passenger in a Jeep insured with the second respondent herein. The said Jeep had hit a Van that was going in front. In the resulting accident, the claimant/appellant had suffered multiple facial fractures. The doctor had assessed the disability suffered by the claimant at 80%. The claimant lost his left eye. Even though this is a case of functional disability, the Tribunal did not adopt the multiplier method.

2.I am therefore of the view that the compensation awarded to the claimant will have to be necessarily enhanced. The accident took place in the year 2009. The claimant was a final year student in Diploma in Electronic Communication Engineering. It is stated that the claimant is still searching for employment on account of facial disfiguration. His marriage prospects have also severely impaired. Therefore, the compensation payable to the claimant can be reworked as under :

Heads	Rupees in Amount
Loss of earning capacity	Rs. 4,32,000/-
Medical expenditure	Rs. 2,00,000/-
Pain and sufferings	Rs. 1,50,000/-
Loss of marriage prospects	Rs. 1,00,000/-
Attender charges	Rs. 15,000/-
Extra nourishment	Rs. 20,000/-
Transportation charges	Rs. 13,000/-
Loss of amenities	Rs. 70,000/-
Total	Rs.10,00,000/-

3.The compensation payable to the claimant is enhanced from a sum of Rs.4,15,058/- to Rs.10,00,000/-. The award 19.08.2010 made in MCOP.No.166 of 2009 on the file of the Motor Accident Claims Tribunal, Sub Court, Valliyoor is modified.

4.The second respondent insurance company is directed to deposit the sum of Rs.10,00,000/- 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 same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

/True Copy/

Sd/-
Assistant Registrar (CS-III)

Sub Assistant Registrar

To

1. The Sub Court,
Motor Accident Claims Tribunal,
Valliyoor.
2. The Branch Manager,
Reliance General Insurance Corporation,
Dhaya Plaza, South Bye pass road,
Wannarapettai, Tirunelveli - 627 003.
3. The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

+1CC to Mr.S.Srinivasa Raghavan, Advocate, SR.No. 93707
+1CC to Mr.A.R.Jeya Rhuthran, Advocate, SR.No. 94100

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19.12.2017

SKM

ES/SV/VR/SAR 4/02.07.2018/3P/7C