



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1226 of 2016

Velmurugan

... Appellant

Vs.

1.Kannan

2.The Divisional Manager,
United India Insurance Company Ltd,
Divisional Office, Jeeva Jothi buildings,
Salai Road, Dindigul - 624 001.

... Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 03.08.2015 made in MCOP.No.14 of 2014 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Dindigul.

For Appellant : Mr.A.Saravanan

For Respondents : Mr.A.S.Mathialagan for R2

JUDGMENT

The claimant seeks enhancement of the compensation awarded to him by order dated 03.08.2015 made in MCOP.No.14 of 2014 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Dindigul.

2.This is a case of functional disability. The injuries suffered by the claimant are so severe. He cannot continue his avocation as a lorry driver. He was an inpatient for 52 days. But, only a sum of Rs.30,000/- was awarded towards pain and sufferings. This can be enhanced to a sum of Rs.50,000/-. The claimant obviously required the service of an attendant. Awarding a sum of Rs.5,000/- is inadequate. He is entitled to a sum of Rs.85,000/- on that ground. In all other respects, the award of the Tribunal is confirmed. Thus, the claimant is entitled to a further sum of Rs.1.00 lakh. The compensation payable to the claimant is enhanced from Rs.9,88,362/- to Rs.10,88,362/-.



3.The order dated 03.08.2015 made in MCOP.No.14 of 2014 on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Dindigul is modified.

4.The first and second respondents are directed to deposit a sum of Rs.10,88,362/- jointly and severally, 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 On such deposit, the claimant is permitted to withdraw the said amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

The Principal Subordinate Judge,
The Motor Accident Claims Tribunal,
Principal Subordinate Court,
Dindigul.

Copy to:-

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.A.Saravanan, Advocate, SR.No.86135

+One cc to Mr.A.S.Mathialagan, Advocate, SR.No.86346

SKM
RL/5C/2P/SKN/RSK/SAR4/2/1/2018

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