



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1225 of 2015

Ganesan

... Appellant

Vs.

1.Muthukanagarajan

2.The Branch Manager,

National Insurance Company Ltd.,

T.S.No.4132, East Main Street,

Pudukottai and District.

... Respondents

Prayer: Appeal filed under Section 173 of M.V.Act, 1988, against the judgment and decree dated 20.01.2014 made in M.C.O.P.No.245 of 2012 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Pudukottai.

For Appellant : Mr.N.Balakrishnan

For Respondents : Mr.D.Sivaraman for R2

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation. In the accident in question, he suffered amputation on his right leg below knee. The Tribunal has adopted multiplier method by proceeding on the footing that there has been functional disability. Percentage of disability has been computed at 80%. The learned counsel for the insurance company would point out that as per Schedule of Employees Compensation Act, such a disability is assessed only at 50%. However considering the nature of injuries suffered by the claimant, the compensation can be enhanced. The Tribunal has awarded only a sum of Rs.50,000/- towards pain and sufferings. This can be enhanced by Rs.1,50,000/-. For future medical expenses, a sum of Rs.1,00,000/- can be given. Therefore, the compensation fixed by the Tribunal is enhanced by a further sum of Rs.1,50,000/-. In other heads, the compensation awarded by the Tribunal is confirmed. Accordingly, the claimant is entitled to a sum of Rs.11,71,200/- as compensation.



3.The second respondent insurance company is directed to deposit the compensation of Rs.11,71,200/- with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve 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 On such deposit, the claimant is entitled to withdraw the said sum, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

4.This civil miscellaneous appeal stands partly allowed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

Arul

To

1.The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal/
Pudukottai.

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

+1CC to Mr.D.Sivaraman, Advocate Sr.No.85891

+1CC to Mr.No.Balakrishnan, Advocate Sr.No.34145

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

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