



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1226 of 2015

WEB COPY

Ajees

... Appellant/Petitioner

Vs.

1.Jahir Hussain
2.ICICI Lombard General Insurance
Company Limited,
Through its Branch Manager,
ICICI Lombard House,
No.414, Veer Savarkar Marg,
Near Siddhi, Vinayak Temple,
Prabhadevi, Mumbai.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 28.11.2014 made in MCOP.No.66 of 2013 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Tirunelveli.

For Appellant : Mr.T.Selvakumaran

For Respondents : Mr.K.K.Ramakrishnan for R2
R1 dispensed with.

JUDGMENT

The claimant in MCOP.No.66 of 2013 on the file of Motor Accidents Claims Tribunal, Principal Subordinate Judge, Tirunelveli has filed this appeal seeking enhancement of compensation.

2.The claimant was an agricultural coolie. He had suffered fracture in the left leg as well as fracture in the left hand. He was an inpatient for more than two weeks. He had incurred medical expenditure alone at Rs.1,90,000/-. However, the Tribunal awarded a sum of Rs.3,85,930/- as compensation. Damages awarded under certain conventional heads is not adequate. I am therefore inclined to enhance the compensation payable to the claimant.

For loss of income	: Rs.42,500/-
For extra nourishment	: Rs.20,000/-
For pain and sufferings	: Rs.30,000/-
Disability compensation	: Rs.1,74,000/-
(58%x3,000/-	
Loss of amenities	: Rs.70,000/-
Medical expenditure	: Rs.1,90,000/-

Total : Rs.5,26,500/-



3.The award dated 28.11.2014 made in MCOP.No.66 of 2013 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Tirunelveli is modified.

4.The second respondent insurance company is directed to deposit a sum of Rs.5,26,500/- with interest at the rate of 7.5% per annum from the date 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claimant is permitted to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.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.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accidents Claims Tribunal, Tirunelveli.

Copy to:

The Record Keeper, V.R Section,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.K.K.Ramakrishnan Advocate in SR. No. 87267

SKM
JS/JC/SAR.4/19.12.2017/2P-4C

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