



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A. (MD) No.1325 of 2016

T.Geetha

... Appellant/Claimant

Vs.

1.C.Indra

2.The Branch Manager,
The New India Assurance Company Ltd.,
109, Nungampakkam High Road,
Chennai - 600 034.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 29.11.2013 made in M.C.O.P.No.1439 of 2008 on the file of the Motor Accident Claims Tribunal/Southern Districts Communal Clashes Cases Trial Court/District and Sessions Court, Madurai.

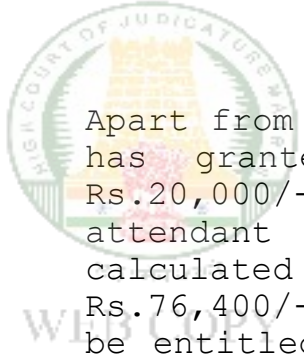
For Appellant : Mr.B.A.Muruganantham
For 1st Respondent : No appearance
For 2nd Respondent : Mr.K.Murugesan

JUDGMENT

The claimant in M.C.O.P.No.1439 of 2008 is the appellant. The said claim petition was filed by her seeking compensation for the injury sustained by her in the motor accident that took place on 03.09.2006. The Tribunal after assessing the evidence on record has come to the conclusion that the claimant has suffered disability of 30%. Adopting multiplier 11 and fixing her monthly income as Rs.6,000/-, the Tribunal has found that she is entitled to a sum of Rs.26,400/- towards loss of income. However, while calculating the loss of income for 30% disability the Tribunal has erroneously arrived a compensation of Rs.26,400/- instead of Rs.2,37,600/-. Aggrieved, the claimant has preferred the above appeal.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 2nd respondent Insurance Company.

3.The learned counsel for the Insurance Company is unable to justify the calculation made by the Tribunal. I find that it is on account of the mistake committed by the Tribunal in calculation.



Apart from granting Rs.26,400/- towards loss of income, the Tribunal has granted a sum of Rs.20,000/- towards medical expenses, Rs.20,000/- towards pain and sufferings and Rs.10,000/- towards attendant charges and nutritious food. If the Tribunal correctly calculated the compensation, it would be Rs.2,87,600/- and not Rs.76,400/- as fixed by the Tribunal. Therefore, the claimant would be entitled to a total compensation of Rs.2,87,600/- with interest at 7.5% p.a. from the date of the petition till date of payment.

4. Accordingly, this Civil Miscellaneous Appeal partly allowed and the compensation awarded by the Tribunal is enhanced from Rs.76,400/- to Rs.2,87,600/-. The appellant is directed to pay Court fees for the enhanced compensation of Rs.87,600/- only since the appeal is valued at Rs.2,00,000/-. The second respondent/Insurance Company is directed to deposit the entire award amount with proportionate interest and costs, less the amount already deposited, within a period of twelve weeks from the date of receipt of a copy of this order. The appellant/claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, less the amount already received through RTGS by making necessary applications before the Tribunal. No costs. dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal/
Southern Districts Communal Clashes Cases Trial Court/
District and Sessions Judge,
Madurai.

+ 1 CC TO Mr.B.A.MURUGANANTHAM, ADVOCATE IN SR No. 59817
+ 1 CC TO Mr.K.MURUGESAN, ADVOCATE IN SR No. 59948

SJ

TE/MR-KKR/SAR-I : 19/07/2017 : 3P/4C

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12.06.2017