



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.1237 of 2015

and

M.P. (MD) No.3 of 2015

S.Sathiyaseelan

... Appellant/Petitioner

Vs.

1. P.Ramakrishnan

2. The Branch Manager,
National Insurance Company Ltd.,
No.706, Tenkasi Road,
Rajapalayam.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 12.03.2007 made in M.C.O.P.No.54 of 2006 on the file of the Motor Accidents Claims Tribunal (Sub Court), Periyakulam.

For Appellant : Mr.D.Sadiq Raja
For R-2 : Ms.Malini
For R-1 : left

JUDGMENT

Heard the learned counsel on either side.

2. The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him by the Tribunal. The appellant was working as a Head Constable. While on duty, a Sumo car insured by the second respondent dashed against him. The appellant suffered very grievous head injuries. He suffered two fractures in the jaw and he lost six teeth in the process.

3. The specific submission of the learned counsel appearing for the appellant is that on account of the neurological problems, he could not continue his job and he had to go for a voluntary retirement. The Tribunal awarded a sum of Rs.1,60,000/- alone with 9% interest.

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4. I am of the view that the amount of compensation is not

adequate. The appellant was assessed having suffered disability to the extent of 40%. Therefore, the compensation payable to the claimant will have to be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	For Disability compensation (Rs.2000 x 40)	Rs. 80,000/-
2.	For Medical expenditure	Rs. 1,00,000/-
3.	For Extra nourishment	Rs. 20,000/-
4.	For Transportation	s. 10,000/-
5.	For Loss of future earning	Rs. 20,000/-
6.	For Pain and suffering	Rs. 40,000/-
7.	For Loss of amenities	Rs. 30,000/-
	Total	Rs. 3,00,000/-

5. The compensation payable to the appellant is enhanced from Rs.1,60,000 to Rs.3,00,000/-. The Tribunal has awarded the interest at the rate of 9%. Considering the facts and circumstances of the case, the said interest rate is not interfered with. There was a delay in numbering this appeal. Therefore, this Court has ordered that the appellant will not be entitled to any interest for the delay period, which comes to 1775 days.

6. Therefore, the award dated 12.03.2007 in M.C.O.P.No.54 of 2006 on the file of the Motor Accidents Claims Tribunal/Sub Court, Periyakulam is modified, as indicated above. The second respondent insurance company is directed to deposit the entire award amount of Rs.3,00,000/- with interest at the rate of 9% per annum and costs from the date of petition till the date of realization, except for the period of delay in numbering this appeal i.e., for 1775 days within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any. The claimant is permitted to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

7. Accordingly, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, M.P.(MD)No.3 of 2015, is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



The Subordinate Judge,
Motor Accidents Claims Tribunal,
Periyakulam.

Copy To:-

The Section Officer,
(Vernacular Section),
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 CC TO Mr.D.SADIQ RAJA, ADVOCATE IN SR No. 89532
+ 1 CC TO Mrs.P.MALINI, ADVOCATE IN SR No. 89482

KMI

TE/KKR/SAR-1 : 18/01/2018 : 3P/6C

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