



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.126 of 2015

Pandi

... Appellant/Petitioner

Vs.

1.Amirthalingam
2.The General Manager,
ICICI Lambard General Insurance
Company Limited,
1, A.A. Road,
Gnanaloipuram,
Madurai.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the compensation from Rs.7,24,230/- to Rs.9,00,000/- in M.C.O.P.No.233 of 2012, dated on 10.09.2013 on the file of the II Additional Sub Court, Madurai.

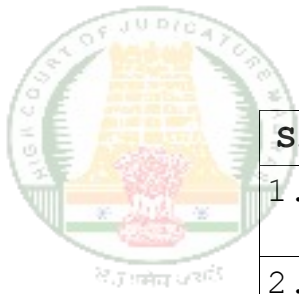
For Appellant : Mr.S.Kameswaran
For Respondents : Mr.K.K.Rama Krishnan for R2
No Appearance for R1

JUDGMENT

Heard the learned counsel on either side.

2.The appellant herein suffered very serious injuries. He was an inpatient for more than 25 days. A sum of Rs.3,17,444/- was incurred towards medical expenditure alone. The monthly income was taken as Rs.3,000/- per month, even though the accident occurred only in the year 2011. The Tribunal awarded a sum of Rs.7,24,230/- as compensation.

3.I am of the view that this amount will have to be necessarily modified. For pain and suffering only a sum of Rs.25,000/- was awarded. This can be enhanced to Rs.1,00,000/-. For extra nourishment and transportation only a sum of Rs.8,000/- was awarded. This can be enhanced to Rs.33,000/-. Therefore the compensation payable to the claimant will have to be reworked as under:-



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Sl.No	Heads	Amounts in Rupees
1.	For partial loss of income during treatment period	Rs. 13,500/-
2.	For Transport and extra nourishment	Rs. 33,000/-
3.	For pain and suffering	Rs.1,00,000/-
4.	For loss of earning (Rs.3,000X12X13X70/100)	Rs.3,27,600/-
5.	For damages to dress	Rs. 500/-
6.	Towards medical claim	Rs.3,49,630/-
	Total	Rs.8,24,230/-

4. Therefore, the compensation payable to the claimant will have to be enhanced from Rs.7,24,230/- to Rs.8,24,230/-. The award dated 10.09.2013, made in M.C.O.P.No.233 of 2012, on the file of the Motor Accidents Claims Tribunal/II Additional Sub Judge, Madurai is modified accordingly.

5. The second respondent is directed to deposit the compensation amount of Rs.8,24,230/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, 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 entitled to withdraw the same, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal/
II Additional Sub Judge, Madurai.

Copy to:

AMIRTHALINGAM, S/O.NAMADEVAN,
20, PUDU NAGAR, CHINNAKALPET, PONDICHERRY.

**C.M.A. (MD) No.126 of 2015
20.11.2017**