

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**C.M.A. (MD) .No.377 of 2017****in****C.M.P. (MD) .No.4097 of 2017**

Cholamandalam MS General Insurance Co.,
Near E.N.T. Hospital,
No.3, 4, Dindigul High Road,
Madurai District,
represented by its
Branch Manager

... Appellant/2nd Respondent

Vs.

1.Thirumurugan

... 1st Respondent/Petitioner

2.Kannan

... 2nd Respondent/1st Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicle Act 1988,
against the order and decreetal dated 20.11.2015 passed in
M.C.O.P.No.171 of 2013 on the file of the Motor Accidents Claims
Tribunal - Sub Court, Pattukkottai.

For Appellant : Mr.S.Srinivasa Raghavan
For Respondents : Mr.S.Deenadhayan for R.1
Mr.T.Vadivelan for R.2

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JUDGMENT

The Insurance Company is on appeal aggrieved by the award of the Tribunal granting a sum of Rs.6,79,800/- (Rupees Six Lakhs Seventy Nine Thousand and Eight Hundred only) for injuries suffered by the claimant in the motor accident.

2. The learned Counsel for the appellant would canvass only the quantum of compensation awarded.



Heads	Amount (s) (Rs.)
For the grievous injuries suffered by the claimant	1,00,000.00
For the permanent disability assessed at 90% - Rs.2,000/- is awarded for 1% permanent disability	1,80,000.00
For Loss of Income	2,00,000.00
For Pain and Sufferings	50,000.00
For Medical Expenses and Transportation charges	1,24,800.00
For Loss of Happiness	10,000.00
For Nutrition and other expenses	10,000.00
For Attender's charges	5,000.00
Total	6,79,800.00

4. Mr.S.Srinivasa Raghavan, learned Counsel for the appellant-Insurance Company would contend that the award of Rs.1,00,000/- (Rupees One Lakh only) on the ground of grievous injuries and Rs.2,00,000/- (Rupees Two Lakhs only) on the ground of loss of income are not justified.

5. However, taking into consideration the fact that the total award amount appears to be reasonable and it is only the apportionment of various amounts that is questioned.

6. The accident had occurred on 20.10.2012. The award for permanent disability should have been Rs.3,000/- (Rupees Three Thousand only) for 1% permanent disability instead of Rs.2,000/- (Rupees Two Thousand only). The loss of income has been fixed at Rs.2,00,000/- (Rupees Two Lakhs only) and no basis is shown for the said fixation. Hence, the loss of income is reduced to Rs.1,00,000/- (Rupees One Lakh only).

7. For pain and sufferings, a sum of Rs.50,000/- (Rupees Fifty Thousand only) is granted. Considering the nature of injuries and the fact that the claimant has been rendered immobile, the award on the ground pain and sufferings is increased to Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only).

8. The award on the ground of loss of happiness should have been under the head loss of amenities and considering the disability suffered, a sum of Rs.10,000/- (Rupees Ten Thousand only) is very low. Therefore, the same is increased to Rs.20,000/- (Rupees Twenty Thousand only). So, the award of the Tribunal is



modified as follows:

Heads	Amount (s) modified by this Court (Rs.)
For the permanent disability assessed at 90% X Rs.3,000/- for 1% permanent disability	2,70,000.00
For Loss of Income	1,00,000.00
For Pain and Sufferings	1,50,000.00
For Medical Expenses and Transportation charges	1,24,800.00
For Loss of Amenities	20,000.00
For Nutrition and other expenses	10,000.00
For Attender's charges	5,000.00
Total	6,79,800.00

9. Therefore, this Civil Miscellaneous Appeal is disposed of, modifying the award of the Tribunal dated 20.11.2015 passed in M.C.O.P.No.171 of 2013 by the Motor Accidents Claims Tribunal - Sub Court, Pattukkottai, as above. In all other aspects, the award of the Tribunal stands confirmed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Pattukkottai.

2.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.DEENADHAYALAN, Advocate, SR No. 54770

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate, SR No. 54891

RSB

PSM/JC/SAR4/10.05.2017/3P/5C

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