



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1311 of 2015

National Insurance Company Limited,
through its Branch Manager,
Jerome Building, 1st Floor,
Fort Station Road,
Trichirappalli.

... Appellant/2nd Respondent

Vs.

1.S.Narayanan

...1st Respondent/Petitioner

2.V.Latha

...2nd Respondent/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 02.02.2015 made in M.C.O.P No.3123 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Trichirappalli.

For Appellant : Mr.J.S.Murali

For Respondents : Mr.N.Sudhagar Nagaraj for R1
R2-Dispensed with(vide in EB)

JUDGMENT

Heard the learned counsel on either side.

2.The insurance company has filed this Civil Miscellaneous Appeal questioning the award dated 02.02.2015 made in M.C.O.P No.3123 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Trichirappalli on the ground of quantum.

3.In the accident in question, the claimant has suffered severe injuries on his right leg. The Tribunal has awarded a sum of Rs.6,62,744/- with interest. Questioning the same, this appeal has been filed.



4.The learned counsel appearing for the appellant would contend that the Tribunal, after giving a finding that there is no functional disability, has chosen to adopt multiplier method in calculating the loss of future income.

5.I find force in the said submission. Therefore, the compensation payable to the claimant will have to be re-worked as under :

For medical expenses	:	Rs.2,30,000/-
For future medical expenses	:	Rs.70,000/-
For loss of income	:	Rs.30,000/-
For pain and sufferings	:	Rs.1,00,000/-
For disability	:	Rs.1,00,000/-

Total		Rs.5,30,000/-

6.The award dated 02.02.2015 made in M.C.O.P No.3123 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Trichirappalli is accordingly modified.

7.The appellant insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of 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 entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any. The insurance company is entitled to refund of the balance amount, if any.

8.The Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal,
Special Subordinate Court,
Trichirappalli



2. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai.

+1 cc TO Mr.J.S.Murali , Advocate in SR No. 86382

+1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 85943

Skm

AE/SKN RSK/SAR4/20.12.2017/3P/5C

C.M.A. (MD) No.1311 of 2015
07.11.2017