



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.1492 of 2016

Joseph

... Appellant/Claimant

Vs.

1.Vadivel Karuppiah

2.Royal Sundaram Insurance Co.Ltd.,
Rep. By its Divisional Manager,
37, Krishnarao Tank Street,
Madurai.

...Respondents/Respondents.

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree dated 26.06.2014 in M.C.O.P.No.386 of 2011 passed by the IV Additional Sub-Judge, (Motor Accident Claims Tribunal), Madurai to enhance the award amount.

For Appellant	: Mr.T.Lenin Kumar
For R1	: Ex-parte (memo filed)
For R2	: M/s.K.R.Shivashankari for Mr.S.Srinivasa Ragavan

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant had filed this appeal seeking enhancement of the compensation awarded to him by order dated 26.06.2014 made in M.C.O.P No. 386 of 2011 on the file of the Motor Accidents Claims Tribunal/ IV Additional Sub-Court, Madurai.

3.When the claimant was riding his two wheeler, the Scorpio car belonging to the first respondent herein and insured with the second respondent had dashed against him. The Tribunal has given a finding that the driver of the Scorpio Car was negligent. Therefore, the second respondent insurance company has been made liable to pay compensation to the claimant. But, the Tribunal has not awarded compensation under several relevant heads. Therefore, the compensation payable to the claimant will have to be enhanced.

4. In the accident, claimant had suffered fractures in his right hand as well as his right leg and he underwent plastic surgery. He took treatment in Preethi Hospital, Madurai. He underwent three surgeries. He was also admitted as inpatient for

about 31 days. The partial permanent disability suffered by the claimant was assessed at 70%. Therefore the compensation payable to the claimant will have to be re-worked as follows:

S1.No	Heads	Amount in Rupees
1.	Partial Permanent Disability	Rs. 2,10,000/-
2.	Loss of income	Rs. 40,000/-
3.	Transportation charges	Rs. 30,000/-
4.	Extra nourishment	Rs. 10,000/-
5.	Attender charges	Rs. 25,000/-
6.	Medical expenditure including future expenses	Rs. 3,00,000/-
7.	Pain and sufferings	Rs. 50,000/-
8.	Loss of amenities	Rs. 50,000/-
	Total	Rs.7,15,000/-

5.The compensation awarded by the Tribunal is enhanced from Rs.2,49,734/- to Rs.7,15,000/-. The award dated 26.06.2014 made in M.C.O.P No.386 of 2011 on the file of the Motor Accidents Claims Tribunal/ IV Additional Sub Court, Madurai is accordingly modified.

6.The second respondent insurance company is directed to deposit the entire compensation amount of Rs.7,15,000/- 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 him, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To
The IV Additional Subordinate Judge,
Motor Accidents Claims Tribunal, Madurai.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai(2 Copies)
+1CC to Mr.T.Lenin Kumar, Advocate, SR.No. 88139
+1CC to Mr.S.Srinivasa Raghavan, Advocate, SR.No. 88387

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