



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.160 of 2015

K.Saravanan ... Appellant/Petitioner
Vs.
1.Rathinavel
2.The New India Assurance Company Ltd,
By its Branch Manager,
Thanjavur. ... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.140 of 2010 dated 29.04.2013 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Thanjavur.

For Appellant : Mr.S.Sivathilakar
For Respondents : Mr.B.Vijaya karthikeyan
for R2
R1 : No Appearance

JUDGMENT

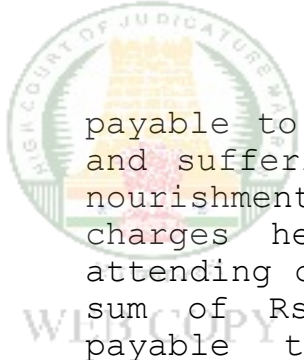
This Civil Miscellaneous Appeal has been filed by the claimants seeking enhancement of the compensation awarded in MCOP.No.140 of 2010 dated 29.04.2013 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Thanjavur.

2.The claimant was riding a two wheeler on 27.10.2008. When the car belonging to the first respondent and insured with the second respondent dashed against him, the appellant suffered fracture in the leg. Crime No.92/2008 was registered on the file of Kumbakonam police station. The claimant sought payment of Rs.5,00,000/- as compensation. The Tribunal fixed negligence on the driver of the car. Since the offending vehicle was insured with the second respondent herein, the second respondent was directed to pay a sum of Rs.83,320/-. Contending that this compensation is inadequate, this Civil Miscellaneous Appeal has been filed.

3.The Tribunal has found that the claimant suffered grievous injuries. Disability suffered by the appellant has been assessed at 35%. But, instead of awarding Rs.3,000/- per percentage, only Rs.2,000/- was awarded.

<https://hcservices.courts.gov.in/hcservices>

4.Therefore, on the ground of disability the compensation



payable to the appellant is quantified at Rs.1,05,000/-. For pain and suffering he can be awarded a sum of Rs.25,000/-. For extra nourishment he can be awarded a sum of Rs.10,000/-. For transport charges he can be awarded a sum of Rs.2,000/-. For hospital attending charges Rs.5,000/- can be awarded. For loss of amenities a sum of Rs.5,000/- can be awarded. Therefore, the compensation payable to the appellant is enhanced from Rs.83,320/- to Rs.1,52,000/-.

5.The second respondent is directed to pay the balance amount with accrued interest within a period of twelve weeks from the date of receipt of a copy of this order. On such payment, the appellant is permitted to withdraw the same. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Principal Sub Court, Thanjavur.

+1cc to M/s.B.VIJAY KARTHIKEYAN Advocate in SR. No. 82893
+1cc to M/s. S.SIVA THILAKAR Advocate in SR. No. 82985

SKM

JS/GT/SAR.1/13.11.2017/2P-4C

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