



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.186 of 2015

Anosh

... Appellant/Petitioner

Vs.

1.Thaha

2.Shri Ram General Insurance Company Limited,
Through its Branch Manager,
No.E-8, Riico Industrial Area,
Sitapura, Jaipur,
Rajasthan.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.533 of 2013, dated 16.12.2013, on the file of the Motor Accident Claims Tribunal, (Special Sub-Judge) Tirunelveli.

For Appellant : Mr.T.Selvakumaran

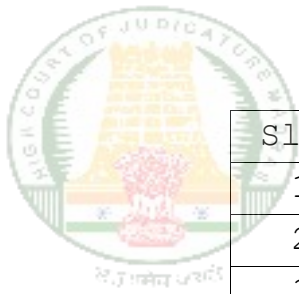
For Respondents : Mr.S.Xavier Rajini for R1

Mr.G.Maruthiah for R2

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him. The claimant was an Engineering College student. In the accident in question, he suffered nasal fracture, fracture in his wrist and also lost five of his teeth. The doctor assessed the disability suffered by him at 53%. The Tribunal however took it only as 47%. It finally awarded a sum of Rs.2,45,735/- with interest. Considering the facts and circumstances of this case, the compensation payable to the claimant/appellant can be reworked as follows:-



Sl.No	Heads	Amounts in Rupees
1.	For disability compensation	Rs.1,41,000/-
2.	For transportation	Rs. 3,000/-
3.	For extra nourishment	Rs. 10,000/-
4.	For attender charges	Rs. 5,000/-
5.	For medical expenses	Rs. 76,000/-
6.	For pain and suffering	Rs. 25,000/-
7.	For loss of amenities including marriage prospects	Rs.1,00,000/-
	Total	Rs.3,60,000/-

3. Therefore, the compensation awarded by the Tribunal is enhanced from Rs.2,45,735/- to Rs.3,60,000/-. The award made in M.C.O.P.No.533 of 2013, dated 16.12.2013, on the file of the Motor Accident Claims Tribunal, Special Sub-Judge, Tirunelveli, is modified accordingly.

4. The second respondent is directed to deposit the entire compensation amount of Rs.3,60,000/- 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.

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

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

The Judge, The Motor Accident Claims Tribunal/
(Special Subordinate Judge), Tirunelveli.

Copy to:-

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.T.Selvakumaran, Advocate, SR.No.87898

+One cc to Mr.S.Xavier Rajini, Advocate, SR.No.87707

+One cc to Mr.G.Maruthiah, Advocate, SR.No.87875

tsg

<https://hcservices.courts.gov.in/hcservices/> BI/66/2P/JC/SAB4/21/12/2017

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