



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA (MD) No.357 of 2014

M.Saravanan
Rep.by his wife S.Rathi

... Appellant/Petitioner

Vs.

1. Leelavathi

2. The Manager,
Future General India Insurance
Company Ltd,
No.18/1, 3rd Floor, Ashika Pillar Road,
1st Block, Saya Nagar,
Bangalore - 560 082.

... Respondents/Respondents

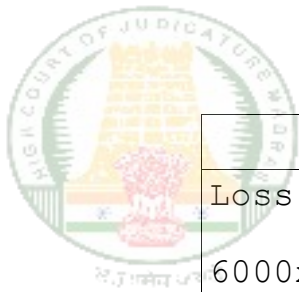
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 27.09.2013 made in MCOP.No.114 of 2012 on the file of the Motor Accident Claims Tribunal, Additional Sub Judge, Karur.

For Appellant : Mr.T.Selvakumaran
For Respondents : Mrs.K.R.Shiva Shankari for
Mr.S.Srinivasa Raghavan for R2

JUDGMENT

The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him.

2.The Tribunal has given a finding that the claimant had suffered functional disability as a result of the accident. In fact, the claim petition as well as this appeal was filed only through the wife of the deceased. It was she who deposed in the claim proceedings. The claimant appeared to have suffered severe skull injuries. The Tribunal however fixed the monthly income as Rs.4,000/-. Even though, the doctor has assessed the disability suffered by the claimant at 100%, the Tribunal had taken the disability at 80%. I am of the view that since the accident took place in the year 2011, the monthly income should have been taken as Rs.6,000/-. Therefore, the compensation payable to the claimant will have to be reworked as under :



Heads	Rupees in Amount
Loss of earning capacity 6000x12x17x80/100	Rs.9,79,200/-
Pain and sufferings	Rs.50,000/-
Transportation charges	Rs.5,000/-
Extra nourishment	Rs.5,000/-
Medical expenses (incurred)	Rs.3,24,498/-
Total	Rs.13,63,698/-

3.The compensation payable to the claimant is enhanced from a sum of Rs.10,76,000/-- to Rs.13,63,698/-. It can be rounded off to Rs.13,63,700/-. The award dated 27.09.2013 made in MCOP.No.114 of 2012 on the file of the Motor Accident Claims Tribunal, Additional Sub Judge, Karur is modified.

4.The second respondent insurance company is directed to deposit the sum of Rs.13,63,700/- 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 Registry is directed to collect the excess Court fee from the appellant within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
Motor Accident Claims Tribunal, Karur.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

Copy To:- The Section Officer, A.E.Section,
Madurai Bench of Madras High Court, Madurai.

- + 1 CC TO Mr.T.SELVAKUMARAN, ADVOCATE IN SR No. 94172
- + 1 CC TO Mr.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 93708