



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.376 of 2014

Lakshmi

... Appellant

**Vs.**

1.M/s.Sri Ram Pappulan Service,  
No.4/04, Tiruchendur Road,  
Palayamkottai, Tirunelveli.

2.The Branch Manager,  
United India Insurance Co., Ltd,  
No.5/1, Alagu Bagavathi Complex,  
Kailasapuram Middle Street,  
Tirunelveli.

... Respondents

**Prayer:** Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.07.2012 made in MCOP.No.213 of 2011 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Tirunelveli.

For Appellant : Mr.T.Selvakumaran

For Respondent No.2 : Mr.Royce Immanuel

### **JUDGMENT**

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

2.The claimant was aged about 55 years at the time of accident. The accident had occurred on 27.05.2011. The claimant suffered fractures on the frontal bone and also nasal bone and suffered from injuries all over the body. The Tribunal held that the accident occurred on account of the negligent driving of the driver of the offending vehicle which was insured with the second respondent. The Tribunal further gave a finding that the claimant had suffered disability to the tune of 30% which was partial and permanent in nature. But a sum of Rs.77,000/- alone was awarded. Contending that this is not adequate, this appeal has been filed.



3.The compensation payable to the claimant can be reworked as follows :

|                            |               |
|----------------------------|---------------|
| For Disability(30x3000)    | : Rs.90,000/- |
| For pain and sufferings    | : Rs.25,000/- |
| For loss of income         | : Rs.25,000/- |
| For Transportation charges | : Rs.10,000/- |
| For Attender charges       | : Rs.10,000/- |

Total : -----  
Rs.1,60,000/-  
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4.The award dated 23.07.2012 made in MCOP.No.213 of 2011 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Tirunelveli is modified.

5.Since the offending vehicle insured with the second respondent, the second respondent insurance company is directed to deposit the sum of Rs.1,60,000/- 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 her, if any.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,  
Motor Accident Claims Tribunal,  
Tirunelveli.

Copy to:

The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court, Madurai. (2 copies)

+ 1 cc TO Mr.T.Selvakumaran , Advocate in SR No. 93459  
+ 1 cc TO Mr.S.Royce Immanuel , Advocate in SR No. 92992

skm

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