

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 27.10.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.637 of 2017**

Ravikumar

... Appellant/Petitioner

Vs.

1.Edumban

2.The Oriental Insurance Company Limited,
Paramathivelur,
44/3, Thiruvalluvar Salai,
Opposite to Ambika Complex,
Vellore.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to call for the records and set aside the order and decretal order dated 10th March 2017 passed by the Motor Accidents Tribunal, Kulithalai in M.C.O.P.No.348 of 2012 and set aside the same.

For Appellant

: Mr.R.M.Sivakumar

For Respondents

: No appearance for R.1

Mr.K.Bhaskaran for R.2

JUDGMENT

This civil miscellaneous appeal has been filed by the appellant questioning the award dated 10.03.2017 made in M.C.O.P.No.348 of 2012, on the file of the Motor Accidents Tribunal, Kulithalai.

2.The claimant has filed this appeal seeking enhancement. The claimant was riding his two-wheeler on 24.06.2012 when the tractor belonging to the first respondent dashed against him. In the process, the claimant suffered multiple fractures. The motorcycle was also completely damaged. The claimant was aged 35 years when the accident took place. He was doing agriculture. The vehicle was insured with the second respondent herein. The claimant filed M.C.O.P..No.348 of 2012 seeking compensation of a sum of Rs.10,00,000/-. The Tribunal awarded a sum of Rs.3,51,700/- with 7.5 % interest.

3.The second respondent was directed to pay the said sum to the claimant and thereafter recover the same from the vehicle owner. This was because the vehicle was driven by a person who did not have a valid driving license.

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

4.Heard the learned counsel for the parties.



5.The compensation payable to the claimant can be re-worked as under:-

Sl.No.	Heads	Amount in Rs.
1.	60% Permanent Disability	Rs. 1,80,000/-
2.	Pain and Suffering	Rs. 50,000/-
3.	Loss of Income	Rs. 30,000/-
4.	Attendant charges	Rs. 15,000/-
5.	Extra Nourishment	Rs. 20,000/-
6.	Medical Bills	Rs. 1,47,650/-
7.	Pharmacy Bills	Rs. 13,500/-
8.	Physiotherapy Charges	Rs. 24,000/-
9.	Ambulance Charges	Rs. 25,400/-
	Total=	Rs. 5,05,550/-

6.The second respondent is directed to pay the said amount with interest at the rate of 7.5% per annum within twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any to the credit of M.C.O.P.No.348 of 2012 on the file of the Motor Accidents Tribunal, Kulithalai. On such deposit, the claimant is permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any. It is open to the second respondent to recover the same from the first respondent in these proceedings by filing E.P.. The award passed by the Tribunal is accordingly modified. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judge, Motor Accidents Claims Tribunal, Kulithalai.

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

3.Mr.Edumban,
S/o.Kulanthaivel,
Mayiladumparai, Panickampatti Post,
Kulithalai Taluk, Karur District.

+1cc to Mr.K.BHASKARAN Advocate in SR. No. 83915

TSG