



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.271 of 2015

Haseena Yasmin

... Appellant

vs

1.M.K.Haja Najumudeen

2.The National Insurance Company,
through its Divisional Manager,
No.16, North Veli Street,
Madurai.

... Respondents

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988, to enhance the award passed in M.C.O.P.No.15 of 2011 dated 30.01.2014 on the file of the Motor Accidents Claims Tribunal (Principal Sub Court, Madurai).

For Appellant : Mr.Mohamed Athif
for Ajmal Associates

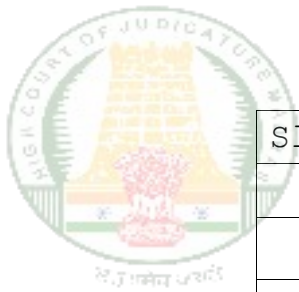
For Respondents : Mr.R.Maheswaran for R1
Mr.S.Srinivasa Raghavan for R2

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of the compensation amount awarded by the Tribunal.

3.The claimant met with an accident on 23.11.2009. As a result, she suffered from dislocation of jaw. She was inpatient for a month. She continues to be suffering from partial permanent disability which was assessed at 37%. The Tribunal has awarded a sum of Rs.2,35,681/-. I am of the view that the compensation payable to the claimant can be reworked as under:-



Sl.No	Heads	Amount in Rupees
1.	Pain and Suffering	Rs. 50,000/-
2.	Extra Nourishment	Rs. 5,000/-
3.	Transportation	Rs. 5,000/-
4.	Partial Permanent Disability (Rs.55,000X2)	Rs. 1,10,000/-
5.	Medical Expenses	Rs.1,50,181/-
6.	Loss of Amenities	Rs. 25,000/-
	Total=	Rs.3,45,181/-

3.The compensation payable to the claimant is enhanced from Rs.2,35,681/- to Rs.3,45,181/-. The second respondent is directed to pay the said award amount with interest at 7.5% per annum and costs from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. The claimant is permitted to withdraw the entire amount, less the amount already withdrawn by her, if any. The award made in M.C.O.P.No.15 of 2011 dated 30.01.2014 on the file of the Motor Accidents Claims Tribunal (Principal Sub Court, Madurai) is modified accordingly. This Civil Miscellaneous Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal
(Principal Sub Court, Madurai)

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

+ 1 cc TO M/S.Ajmal Associates , Advocates in SR No. 84311

tsg

AE/MR KKR/SAR1/11.12.2017/2P/4C

JUDGMENT MADE IN
C.M.A. (MD) No.271 of 2015
30.10.2017