



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.449 of 2014

G.Ashok @ Ashok Kumar

... Appellant/Petitioner

Vs.

1.S.Amutha

2.The Manager,

Universal Sompo General Insurance
Company Ltd.,No.6-G-1, Cathedral Garden Road,
Nungambakkam, Chennai - 34.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 11.09.2013 made in M.C.O.P.No.248 of 2012 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Karur.

For Appellant

: Mr.T.Selvakumaran

For Respondents

: No Appearance for R1

Mr.S.Srinivasa Raghavan
for R2**JUDGMENT**

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

2.The claimant was an auto mechanic by avocation. He met with an accident on 01.09.2012 and he suffered complete loss of vision in his left eye. Therefore, by applying the schedule in Workmen's Compensation Act, the percentage of disability was given at 30%. The accident took place in the year 2012. Therefore, his monthly income can be notionally taken as Rs.6,500/-. Therefore, the compensation payable to the claimant will be reworked as under:

Loss of Income	:	Rs.4,21,200/-
Pain and Sufferings	:	Rs. 10,000/-
Extra Nourishment	:	Rs. 10,000/-
Transportation	:	Rs. 5,000/-
Medical expenses	:	Rs. 13,000/-
Total	:	Rs.4,59,200/-

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

Rounded off Rs.4,60,000/-



Thus, the compensation payable to the claimant is enhanced from Rs.98,000/- to Rs.4,60,000/-. Accordingly, the award dated 11.09.2013 made in M.C.O.P.No.248 of 2012 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Karur is modified.

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3.The second respondent insurance company is directed to deposit the entire 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claimant is permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Additional Subordinate Judge,
The Motor Accident Claims Tribunal, Karur.

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

+1. CC to Mr.T.Selvakumaran, Advocate SR.No.91640

+1. CC to Mr.S.Srinivasa Raghavan, Advocate SR.No.91842

C.M.A. (MD) No.449 of 2014

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MKV-SKN-RSK-SAR 4/26.3.2018/2P-6C