



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.308 of 2016

Selvaraj

... Appellant/Petitioner

Vs.

1. Krishnan

2. The Manager,
Shriram General Insurance Company Ltd.,
Azringhar Anna Nagar,
Madurai.

... Respondents/Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, praying to enhance the compensation amount and award more compensation and which was not granted in M.C.O.P.No.273 of 2011 on the file of the Motor Accident Claims Tribunal, Principal Sub-Judge, Tenkasi dated 16.10.2015.

For Appellant	:	Mr.S.Veluchamy
For R1	:	Tapal Returned
For R2	:	Mr.D.Sivaraman

JUDGMENT

Heard the learned counsel on either side.

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

3.The claimant was riding a two wheeler on 10.04.2011 at about 12.30 p.m., when the Tanker Lorry insured with the second respondent herein dashed against the two wheeler. In the resulting accident, the claimant suffered fracture in the leg. He filed M.C.O.P.No.273 of 2011, dated 16.10.2015, on the file of the Motor Accident Claims Tribunal, Tenkasi, claiming compensation. The Tribunal awarded a sum of Rs.1,55,000/- alone. Contending that this is not adequate, this appeal has been filed.

4.The learned counsel appearing for the appellant/claimant pointed out that even in his proof affidavit he has mentioned, he

had incurred a sum of Rs.98,705/- towards medical treatment. He had filed Ex.P.5 in support of the said claim. However, the Tribunal awarded a sum of Rs.20,000/- alone. I am of the view that a further sum of Rs.80,000/- will have to be awarded under this head. For pain and suffering a further sum of Rs.20,000/- will have to be awarded. In all other respects, the award of the Tribunal is confirmed.

5.The compensation payable to the claimant will have to be reworked as under:-

Sl.No	Heads	Amounts in Rupees
1.	For disability	Rs. 80,000/-
2.	For pain and suffering	Rs. 40,000/-
3.	For Transportation	Rs. 20,000/-
4.	For extra nourishment	Rs. 15,000/-
5.	For medical bills	Rs.1,00,000/-
	Total	Rs ,2,55,000/-

6.Therefore, the award amount is enhanced from Rs.1,55,000/- to Rs.2,55,000/-. The award dated 16.10.2015, made in M.C.O.P.No.273 of 2011, on the file of the Motor Accident Claims Tribunal, Principal Sub-Judge, Tenkasi, is modified accordingly.

7.The second respondent is directed to deposit the compensation amount of Rs.2,55,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. On such deposit, the appellant/claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

8.This Civil Miscellaneous Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
The Sub Court/Motor Accident Claims Tribunal,,
Tenkasi.



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

3. Krishnan
S/o. Boothalingam Pillai,
No. 27, Anandha Stores,
Tiruchendur Road,
Palayamkottai, Tirunelveli District.

Copy to:

The Manager,
Shriram General Insurance Company Ltd.,
Azringhar Anna Nagar,
Madurai.

+ 1 cc TO Mr. S. Veluchamy , Advocate in SR No. 91156
+ 1 cc TO Mr. D. Sivaraman , Advocate in SR No. 91352

tsg/lis

AE/SKN RSK/SAR3/03.05.2018/3P/8C

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