



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD)No.33 of 2015

WEB COPY

V.Muthuraj

... Appellant / Petitioner

Vs.

1.M/s.Trust Arm Services Private Ltd,
Through its Manager,
No.17, A.R.R. Plots,
No.31, Bhakthavatchalam Salai,
Warren Road, Mylapore,
Chennai - 600 004.

2.M/s.Cholamandalam MS General,
Insurance Company Limited,
2nd Floor, Dare House,
No.2, Bose Road,
Chennai - 600 001.

... Respondents / Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 (1) of Motor Vehicles Act, 1988 against the judgment and decree dated 28.02.2014 made in M.C.O.P No.523 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli.

For Appellant : Mr.T.Selvakumaran

For Respondents : M/s.K.R.Shivashankari for
Mr.S.Srinivasaraghavan for R2
No appearance for R1

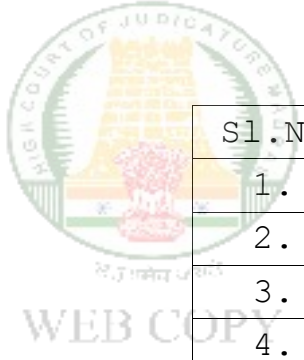
JUDGMENT

Heard the learned counsel on either side.

2.The claimant seeks enhancement of the compensation awarded to him by order dated 28.02.2014 made in M.C.O.P No.523 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli.

3.The claimant suffered injuries and the partial permanent disability suffered by him has been assessed at 61%. The Tribunal has awarded a sum of Rs.4,07,770/- with interest at the rate of 9% per annum.

4.Considering the nature of injuries suffered by him and the consequences thereof, the compensation payable to the claimant / appellant should be re-worked as under :



Sl.No	Heads	Amount in Rupees
1.	For partial permanent disability	Rs.1,83,000/-
2.	Loss of income	Rs.50,000/-
3.	For transportation charges	Rs.29,230/-
4.	For extra nourishment	Rs.30,000/-
5.	For attender charges	Rs.15,000/-
6.	For medical expenditure	Rs.92,770/-
7.	For pain and sufferings	Rs.1,00,000/-
8.	For loss of amenities	Rs.1,00,000/-
	Total	Rs.6,00,000/-

5.The compensation awarded by the Tribunal is enhanced from Rs.4,07,770/- to Rs.6,00,000/-. The award dated 28.02.2014 made in M.C.O.P No.523 of 2013 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli is accordingly modified.

6.The second respondent insurance company is directed to deposit the entire compensation amount 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 order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

7.The Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
Special Sub Court, Tirunelveli.

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

+1cc to M/S.S.Srinivasaraghavan, Advocate SR.No. 84771

+1cc to M/S.T.Selvakumaran, Advocate SR.No. 84773

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