



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.384 of 2015

N.Sivasami ... Appellant/Petitioner

Vs.

1.B.Devika

2.The Manager,
United India Insurance,
52, General Muthiah Mudali Street,
Chennai - 600 079.

... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 11.09.2003 made in M.C.O.P No.267/2001 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Kumbakonam.

For Appellant : Mr.S.Siva Thilakar

For Respondents : Mr.N.Sivakumar for R2

R1 unclaimed.

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this Civil Miscellaneous Appeal seeking enhancement of the compensation. The Tribunal awarded a sum of Rs.56,563/- with interest. Contending that the said amount is not adequate, this appeal has been filed.

3.It is true that the claimant has suffered fractures in his left leg and injuries in other part of the body. The learned
<https://hcservices.ecourts.gov.in/hcservices/>
counsel appearing for the claimant contended that no compensation has been awarded for the disability suffered by him. He also



pointed out that nothing has been awarded for loss of income. Therefore, the compensation payable to the claimant can be re-worked as follows :

For disability compensation	- Rs.10,000/-
For loss of income	- Rs.10,000/-
For pain and sufferings	- Rs.50,000/-
Medical Expenditure	- Rs. 5,000/-
Transportation charges	- Rs. 1,000/-
Extra nourishment	- Rs. 1,000/-

Total - Rs.77,000/-

4.The appellant is therefore entitled to a sum of Rs.77,000/-. The award dated 11.09.2003 made in M.C.O.P No.267/2001 on the file of the Motor Accidents Claims Tribunal/Principal Sub Court, Kumbakonam is accordingly modified.

5.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 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 entitled to withdraw the same by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To
The Motor Accidents Claims Tribunal/
Principal Sub Court, Kumbakonam.

Copy to:

The Record Keeper, V.R Section,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.N.SIVAKUMAR Advocate in SR. No. 85428
+1cc to Mr.S.SIVATHILAKAR Advocate in SR. No. 85859

SKM

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

JS/JC/SAR.4/28.11.2017/2P-5C

C.M.A. (MD) No.384 of 2015

06.11.2017