



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.390 of 2015

Androsen

... Appellant/Petitioner

Vs.

1.Ramesh

2.Sundar

3.Sriram General Insurance Company,
rep.by its General Manager,
B2/1s, 25, II Floor, NRC Complex,
North Block, S.N.High Road, Tirunelveli.

4.Rajasekar

5.The Branch Manager,
United India Insurance Company Ltd,
St Xavier's Building, PWD Road,
Nagercoil, Agasteeswaram Taluk,
Kanyakumari District.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 15.11.2012 made in MCOP.No.67 of 2011 on the file of the Chief Judicial Magistrate /Motor Accidents Claims Tribunal, Kanyakumari District.

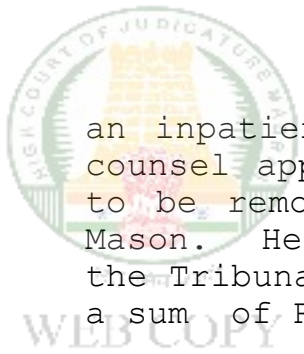
For Appellant : Mr.S.Ramesh
for Mr.V.Raghavachari

For Respondents : Mr.D.Sivaraman for R3
Mr.N.Dilipkumar for R5
R2 & R3 - No appearance.

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement of compensation. The accident took place on 07.02.2011. The claimant had suffered fractures in his right leg. The offending vehicle was insured with the third respondent. The appellant was



an inpatient for two days. A plate was implanted. The learned counsel appearing for the appellant would submit that the same has to be removed by another surgery. His avocation was that of a Mason. He would therefore submit that the compensation awarded by the Tribunal is woefully inadequate. The Tribunal has awarded only a sum of Rs.1,37,000/- with interest.

3.I find force in the said submission. Therefore, the compensation payable to the claimant is reworked as under :

Medical expenses	: Rs. 70,000/-
Future medical expenses	: Rs. 20,000/-
Pain and sufferings	: Rs. 25,000/-
Loss of income	: Rs. 10,000/-
For grievous injuries	: Rs. 40,000/-
For nutrition charges	: Rs. 5,000/-
Transportation charges	: Rs. 5,000/-

Total	: Rs.1,75,000/-

4.The compensation payable to the claimant is enhanced from a sum of Rs.1,37,000/- to Rs.1,75,000/-. The award dated 15.11.2012 made in MCOP.No.67 of 2011 on the file of the Chief Judicial Magistrate / Motor Accidents Claims Tribunal, Kanyakumari District is modified.

5.The second and third respondent are directed to deposit the sum of Rs.1,75,000/- 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 entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Chief Judicial Magistrate /
Motor Accidents Claims Tribunal, Kanyakumari District
 - 2.The Record Keeper, V.R.Section (2 copies)
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.N.Dilipkumar, Advocate, SR.N.88895
+One cc to Mr.V.Raghavachari, Advocate, SR.No.89583
+One cc to Mr.D.Sivaraman, Advocate, SR.No.88953

Skm

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

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