



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.432 of 2016

Justus Jaya Kumar

... Appellant/Petitioner

Vs.

1.Mary Brose
2.Reliance General Insurance
Company Ltd.,
through its Branch Manager,
No.10/4/4, Thaha Plaza,
South Bye Pass Road,
Vannarapettai,
Tirunelveli.

... Respondents/ Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award dated 25.03.2015 made in M.C.O.P.No.486 of 2014 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli.

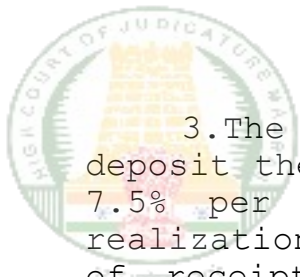
For Appellant : Mr.T.Selvakumaran

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 aged about 58 years at the time of accident. He was an ice cream vendor. He suffered fracture in the thigh. He was an inpatient in the hospital for a month. But, a sum of Rs.25,000/- alone was awarded towards pain and suffering. I am of the view that a sum of Rs.50,000/- can be awarded for pain and sufferings. Similarly, for loss of income, a sum of Rs.30,000/- can be awarded. A further sum of Rs.3,000/- can be awarded towards attender charges. Thus, the compensation payable to the claimant is enhanced from Rs.3,74,600/- to Rs.4,14,600/-. Accordingly, the award dated 25.03.2015 made in M.C.O.P.No.486 of 2014 on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Tirunelveli is modified.



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claimant is permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.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-I)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal, (Special Sub Court),
Tirunelveli.

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

+1Cc to Mr.T.SelvaKuamaran, Advocate in SR.No.91638,
+1CC to Mr.S.Srinivasa Raghavan, Advocate in SR.No.91539.

SKM

DS/RSK-SKN/SAR-1 :06.06.2018: 2P/6C

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