



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.881 of 2017

Rengaraj

... Petitioner/Appellant

Vs.

1.Senthilkumar

2.The Divisional Manager,
United India Insurance Co.Ltd,
Thanjavur.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicle Act, 1988, to allow the appeal and modify the judgment and decree of the Motor Accident Claims Tribunal (Special District Judge) Thanjavur in M.C.O.P.No.1144 of 2015 dated 28.11.2016 by enhancing the award amount to Rs.5 lakhs to the appellant with proportionate interest.

For Appellant	: Mr.G.Karnan
For R1	: None Appearance
For R2	: Mr.A.S.Mathialagan

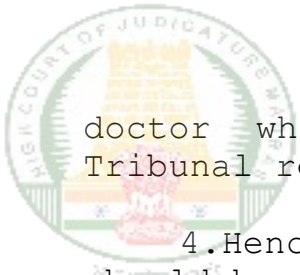
JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this appeal seeking enhancement. The appellant was riding a two wheeler. The lorry insured with the second respondent herein dashed against the two wheeler. In the resulting, accident, the appellant suffered the following injuries.

- 1.Frontal bone# with Haematoma Bifrontal contusion.
- 2.Linear# Frontal bone with involving Frontal air sinus.
- 3.Ventricles in midline basal cisterns seen
- 4.Fracture in Head.
- 5.Fracture in Left Fingure Leg
- 6.Injury in Chest
- 7.Multiple injury all over body.

3.The doctor has given a certificate assessing the claimant's disability at 60%. However the claimant failed to examine the



doctor who issued the disability certificate. Therefore the Tribunal refused to take the same in to the account.

4.Hence, the compensation payable to the claimant/ appellant should be re-worked as under :

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Sl.No	Heads	Amount in Rs.
1.	60% Disability (1%=Rs. 3,000)	Rs. 1,80,000/-
2.	Pain and Suffering	Rs. 1,00,000/-
3.	Medical Expenditure	Rs. 20,000/-
4.	Transport charges	Rs. 10,000/-
5.	Loss of Amenities	Rs. 20,000/-
6.	Loss of Income	Rs. 40,000/-
7.	Extra Nourishment Charges	Rs. 20,000/-
8.	Attender charges	Rs. 10,000/-
	Total	= Rs. 4,00,000/-

5.The compensation payable to the claimant is quantified at Rs.4,00,000/-. However, the Tribunal fixed 10% of negligence of the claimant also. Therefore, the claimant is entitled to sum of Rs.3,60,000/-. The compensation awarded by the Tribunal is enhanced from Rs. 2,24,100/- to Rs.3,60,000/-.

6.The award dated 28.11.2016 made in M.C.O.P.No.1144 of 2015 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Motor Accident Claims Tribunal (Special District Judge), Thanjavur, is accordingly modified. The 2nd 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 them, if any, by filing proper application before the



7.This civil miscellaneous appeal stands partly allowed with regard to the liability alone as indicated above. No costs.

Sd/-

Assistant Registrar(AD-II)

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/True Copy/

Sub Assistant Registrar

To

1. Motor Accident Claims Tribunal
(Special District Judge)
Thanjavur.
2. The Record Keeper, VR Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.S.Mathialagan , Advocate in SR No. 86347
+ 1 cc TO Mr.G.Karnan , Advocate in SR No. 86519

dss

AE/MR KKR/SAR2/19.12.2017/3P/5C

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