



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.11.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.M.A. (MD) No.496 of 2015

K.M.Sriramkumar

... Appellant/Petitioner

Vs.

1.M.Uthiramary

2.Reliance General Insurance

Company Ltd,

Office Balmar Lorry House,

No.628, Annamalai,

Thenampettai, Chennai-600 018.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 04.06.2012 made in MCOP.No.1089 of 2011 on the file of the Motor Accidents Claims Tribunal, 4th Additional District Judge, Tirunelveli.

For Appellant

: G.Prabhu Rajadurai

For Respondent

: Mrs.K.R.Shivashankari

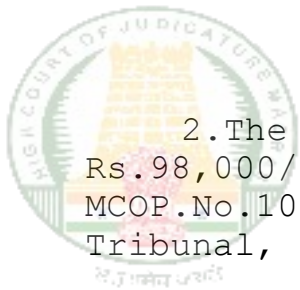
for Mr.S.Srinivasaraghavan

for R2

JUDGMENT

The claimant has filed this appeal seeking enhancement of compensation. He was an aeronautical engineering student. When he met with the accident in question, he was aged 21 years. The accident took place on 25.11.2010. He suffered fracture in the right leg. He incurred medical expenditure alone to the tune of Rs.71,000/- But, a mere Rs.98,000/- was awarded. It is woefully inadequate. The award passed by the Tribunal has to be necessarily modified. The compensation payable to the claimant can be reworked as follows :

Disability compensation (35x3000)	: Rs.1,05,000/-
Transportation charges	: Rs.15,000/-
Pain and sufferings	: Rs.25,000/-
Extra nourishment	: Rs.5,000/-
Attender charges	: Rs.5,000/-
Medical expenditure	: Rs.71,000/-
Total	: Rs.2,26,000/-



2.The compensation payable to the claimant is enhanced from Rs.98,000/- to Rs.2,26,000/-. The award dated 04.06.2012 made in MCOP.No.1089 of 2011 on the file of the Motor Accidents Claims Tribunal, 4th Additional District Judge, Tirunelveli is modified.

3.The respondents are 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 six 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claimant is entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

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

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The IV additional District Judge,
Motor Accidents Claims Tribunal,
Tirunelveli.

Copy to:

The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.G.Prabhu Rajadurai , Advocate in SR No. 89156

Skm
AE/SV MMS/SAR1/21.12.2017/2P/4C

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