



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.568 of 2016

1.K.Kalaiselvi

... Appellant/Petitioner

Vs.

1. C.Balasubramanian

2. M/s.United India Insurance Company Limited,
Represented through its Divisional Office,
7A, West Veli Street,
Madurai - 625 001.

... Respondents/Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 28.06.2012 made in M.C.O.P.No.2036 of 2010 on the file of the Motor Accidents Claims Tribunal (V Additional District Court), Madurai.

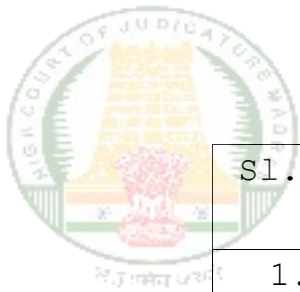
For Appellant : Mr.D.Sadiq Raja
For R-1 : No appearance
For R-2 : Mr.A.S.Mathialagan

JUDGMENT

Heard the learned counsel on either side.

The claimant has filed this appeal seeking enhancement of the compensation awarded to her by the Tribunal.

2. The claimant was travelling in Maruthi Swift Car on 19.09.2010, when the vehicle belonging to the first respondent and insured with the second respondent dashed against it. In the resulting accident, the claimant suffered multiple injuries including rib fracture and spinal fracture. Her disability was assessed as 93.63%. The Tribunal has given a very specific finding that the medical evidence adduced by the claimant was not rebutted by the respondents. In spite of arriving at such a finding, the Tribunal has awarded a sum of Rs.1,96,500/-. This is woefully inadequate. The compensation payable to the claimant/appellant has to be necessarily enhanced as under:-



Sl.No	Heads	Amount in Rupees
1.	Disability compensation (75%)	Rs. 2,25,000/-
2.	Pain and suffering	Rs. 1,30,000/-
3.	Medical expenditure including future expenses	Rs. 1,25,000/-
4.	Transportation	Rs. 10,000/-
5.	Loss of income	Rs. 10,000/-
	Total	Rs. 5,00,000/-

The compensation awarded by the Tribunal is enhanced from Rs.1,96,500/- to Rs.5,00,000/-. The award dated 28.06.2012 made in M.C.O.P.No.2036 of 2010 on the file of the Motor Accidents Claims Tribunal (V Additional District Court), Madurai is accordingly modified.

6.The second 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 her, if any, by filing proper application before the Tribunal.

7.This Civil Miscellaneous Appeal stands allowed. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The V Additional District Judge,
Motor Accidents Claims Tribunal
(V Additional District Court), Madurai.

Copy To:-

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

+ 1 CC TO Mr.D.SADIQ RAJA, ADVOCATE IN SR No. 89533
+ 1 CC TO Mr.A.S.MATHIALAGAN, ADVOCATE IN SR No. 89732