



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD) No.528 of 2015

K.Anjammal

... Appellant/Claimant

Vs.

1.S.Sundar (Driver)

2.K.T.Lakshmanan

3. The Divisional Manager,
National Insurance Company Ltd,
Divisional Office, Madurai.

4. N.Rathinam

5. The Branch Manager,
National Insurance Company Ltd,
First floor, 333/1, Sekkalai Road,
Five lamps, Karaikudi.
(Respondent 1,2,4 & 5 are remained
Exparte in the Lower Court hence notice
may be givenup)

... Respondent

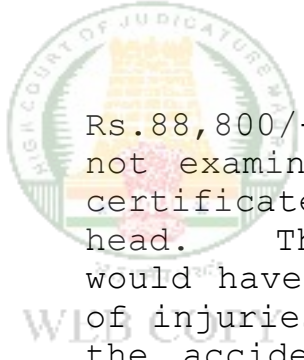
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 16.07.2012 made in MCOP.No99 of 2009 on the file of the Motor Accident Claims Tribunal, Devakottai.

For Appellant : Mr.J.Anandkumar
For Respondents : Mrs.K.R.Shiva Shankari
for Mr.S.Srinivasaraghavan
for R5
RR1,2,4&5 Exparte(vide in EB)

JUDGMENT

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

2.The claimant suffered severe fracture in her right thigh and other injuries on her body. The Tribunal awarded a sum of



Rs.88,800/- as compensation. This was because the claimant did not examine any doctor. She also did not mark any disability certificate. As a result, no damages were awarded under that head. This Court can come to the conclusion that the claimant would have suffered atleast 10% disability considering the nature of injuries suffered by her. She was working as a Mason prior to the accident. Therefore, a sum of Rs.30,000/- can be awarded towards disability. The claimant is entitled to a sum of Rs.1,18,800/- as total compensation.

3.The award dated 16.07.2012 made in MCOP.No99 of 2009 on the file of the Motor Accident Claims Tribunal, Devakottai. is modified.

4.The third 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, 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the same as directed by the Tribunal, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

5.This appeal is partly allowed. No costs.

Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal, Devakottai.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+ 1 cc TO Mr.J.Anandkumar , Advocate in SR No. 92294

+ 1 cc TO Mr.S.Srinivasaraghavan , Advocate in SR No. 92617

skm

AE/KK/SAR2/13.02.2018/2P/6C

CMA (MD) No.528 of 2015
12.12.2017