



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.548 of 2015

John Peter @ Arul John Peter

... Appellant

Vs.

1.Mathivanan

2.United India Insurance Company Limited,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to modify the Judgment and Decree dated 22.12.2014, made in M.C.O.P. 56 of 2014, on the file of Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam.

For Appellant : Mr.S.Siva Thilakar

For R1 : Left India

For R2 : Mr.N.Sivakumar

JUDGMENT

Heard the learned counsel on either side.

2.The appellant has filed this appeal seeking enhancement of the compensation. It is seen that the disability of the claimant was assessed at 44%. But the Tribunal had awarded only a sum of Rs.88,000/- for the disability. A sum of Rs.1,32,000/- should have been awarded under this head. The compensation payable to the claimant will have to be reworked as under:-

Sl.No	Heads	Amounts in Rupees
1.	For disability	Rs.1,32,000/-
2.	For loss of amenities	Rs. 40,000/-
3.	For medical expenses	Rs. 26,000/-
4.	For loss of love and affection	Rs. 10,000/-
5.	For transport expenses	Rs. 10,000/-
6.	For damages to clothes and articles	Rs. 2,000/-
7.	For attender charges	Rs. 39,000/-
8.	For extra nourishment	Rs. 15,000/-
9.	For medical bills	Rs. 290/-
10.	For future expenses	Rs. 20,000/-
	Total	Rs.2,94,290/-



3. Therefore, the compensation payable to the claimant will have to be enhanced from Rs.1,94,290 to Rs.2,94,290/-. The award dated 22.12.2014, made in M.C.O.P. 56 of 2014, on the file of Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam. is modified accordingly.

4. The second respondent is directed to deposit the entire compensation amount of Rs.2,94,290/- 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. Thereafter, the second respondent is permitted to recover the same from the first respondent in these proceedings by filing execution petition.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Thanjavur at Kumbakonam.

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

+One cc to Mr.N.Sivakumar, Advocate, SR.No.87645

tsg

RL/4C/2P/GT/SAR4/15/12/2017

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