



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.613 of 2015

Peer Mohammed

...Appellant/Petitioner.

Vs.

1.Ravichandrn

2.The Oriental Insurance Company Limited,
Through its Branch Manager,
Tuticorin.

3.Tamil Nadu State Transport Corporation Limited,
Through its General Manager,
Vannarpettai,
Tirunelveli.

...Respondents/Respondents

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.116 of 2010 on the file of the Motor Accidents Claims Tribunal, (Additional Subordinate Judge), Tirunelveli, dated 31.01.2013.

For Appellant : Mr.T.Selvakumaran

For Respondents : Dispensed with (memo filed) for R1

R2-No Appearance

R3-Mr.Prabakaran

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation awarded by the Tribunal. The appellant has suffered 52% partial permanent disability. It is seen that the Tribunal has awarded inadequate sums under some heads. Therefore the compensation payable to the claimant can be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	For partial permanent disability 52%	Rs. 1,00,000/-
2.	For loss of income during the treatment period	Rs. 20,000/-
3.	For pain and suffering	Rs. 10,000/-
4.	For medical Expenses	Rs. 74,985/-
5.	For transport Expenses	Rs. 1,000/-
6.	For mental Agony	Rs. 5,000/-
7.	For extra Nourishment	Rs. 2,000/-
	Total=	Rs. 2,12,985/-

3. Therefore the compensation payable to the claimant will have to be enhanced from Rs.1,71,985/- to Rs.2,12,985/- The award made in M.C.O.P.No.116 of 2010 on the file of the Motor Accidents Claims Tribunal, (Additional Subordinate Judge), Tirunelveli, dated 31.01.2013 is modified accordingly.

4. The second respondent is directed to deposit the entire compensation amount of Rs.2,12,985/- 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5. This Civil Miscellaneous Appeal is partly allowed. No costs.
Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1. The Additional Subordinate Judge, Motor Accidents Claims Tribunal Tirunelveli.

2. The Branch Manager, Oriental Insurance Company Limited,
Branch Manager, Tuticorin.

Copy to:

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

+1CC to Mr.T.Selvakumaran, Advocate, SR.No. 85294

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 85232

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