



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.730 of 2016

P.Manivel ... Appellant/Petitioner

Vs.

1.T.Benjaminraj

2.The Branch Manager,
National Insurance Company Ltd,
T.S.No.4132 Ist Floor,
Keezha Raja Veethi,
Pudukottai.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree order dated 16.10.2015 made in MCOP.No.61 of 2015 on the file of the Additional District Judge, Pudukkottai.

For Appellant : Mr.N.Balakrishnan

For Respondents : Mr.J.S.Murali for R2
No appearance for R1

JUDGMENT

Heard the learned counsel for the parties.

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

3.The claimant is a Mechanic. He met with an accident on 04.10.2014. He suffered fractures in the shoulder bone. A plate had been implanted in the shoulder region. The appellant took treatment as an inpatient in Madurai Devadoss Multi Speciality Hospital from 04.10.2014 till 13.10.2014. PW.2 who was the doctor has given disability certificate stating that the disability suffered by the appellant is assessed at 40%. I am of the view that considering the nature of injuries, the disability can be assessed at 20%. the compensation payable to the claimant can be



reworked as under :

Disability compensation	: Rs.60,000/-
Loss of income	: Rs.65,000/-
Medical expenditure	: Rs.1,78,000/-
Pain and sufferings	: Rs.50,000/-
Extra nourishment	: Rs.10,000/-
Transport Corporation	: Rs.20,000/-
Future medical expenditure	: Rs.25,000/-

Total : **Rs.4,08,000/-**

4.The compensation payable to the claimant is enhanced from a sum of Rs.3,58,900/- to a sum of Rs.4,08,000/-. The award dated 16.10.2015 made in MCOP.No.61 of 2015 on the file of the Additional District Judge, Pudukkottai is modified.

5.The second respondent is directed to deposit the said amount with interest at the rate of 7.5% from the date of petition till the date of realization and costs, 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is permitted to withdraw the said amount, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Additional District Judge, Pudukkottai.

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

+ 1 cc TO Mr.N.Balakrishnan , Advocate in SR No. 87794

+ 1 cc TO Mr.J.S.Murali , Advocate in SR No. 87596

skm

AE/MR KKR/SAR1/11.12.2017/2P/5C

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