



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.64 of 2015

Mariamammal ... Appellant / Petitioner
Vs.

1.Sheik Imam

2.Tata Aig General Insurance Co. Ltd,
through its Branch Manager,
Peninsula Corporate,
Piramal Tower, 9th Floor,
Ganpatrao Kadam Marg,
Lower Parel,
Mumbai - 400 013.

... Respondents / Respondents

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 12.11.2013 passed in M.C.O.P.No.373/2013 on the file of the Motor Accidents Claims Tribunal/Special Sub Court), Tirunelveli.

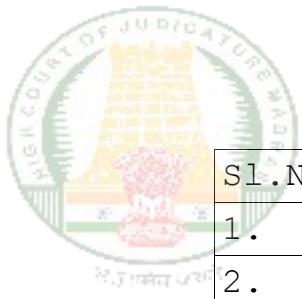
For Appellant	: Mr.T.Selvakumaran
For Respondents	: Mrs.Shiva Shankari for Mr.S.Srinivasa Raghavan for R2 : R1 - No Appearance.

JUDGMENT

The claimant seeks enhancement of compensation payable to her. The claimant was a pedestrian. The two wheeler insured with the second respondent and belonging to the first respondent dashed against her on 26.01.2013. Crime No.27/2013 was registered against the rider on the file of Oothumalai Police Station. Final report was also filed against the rider. The claimant was aged 33 years when the accident took place. She was doing Beedi rolling work. She was earning Rs.6,000/- per month. The claimant suffered serious injuries. She lost her eye sight in the right eye and the Tribunal awarded only a sum of Rs.1,89,500/-. This according to the learned counsel is inadequate.

2.Heard the learned counsel for both sides.

<https://hcservices.ecourts.gov.in/hcservices/courts/1001>
The compensation payable to the claimant can be re-worked as follows :



Sl.No.	Heads	Amount in Rs.
1.	40% disability	Rs.1,20,000/-
2.	Income loss	Rs. 13,500/-
3.	Pain and sufferings	Rs.1,00,000/-
4.	Loss of amenities	Rs.1,00,000/-
	Total	Rs.3,33,500/-

4.The compensation payable to the claimant is enhanced from Rs.1,89,500/- to Rs.3,33,500/-. The award dated 12.11.2013 passed in MCOP.No.373 of 2013 on the file of the Motor Accident Claims Tribunal, (Special Sub Court) Tirunelveli is accordingly modified. The second respondent insurance company is directed to deposit the entire award amount with 7.5 % interest from the date of petition till the date of realisation along with costs, within a period of twelve 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 entire award amount, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

5.This Civil Miscellaneous Appeal is party allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
(Special Sub Court) Tirunelveli

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

+1cc to M/S.S.Srinivasa Raghavan, Advocate SR.No. 84037

+1cc to M/S.T.Selvakumaran, Advocate SR.No. 84261

C.M.A. (MD) No.64 of 2015

27.10.2017

SKM

JM/KP/SAR 4/06.12.2017/2P/5C

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