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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.697 of 2015

P.Silambayee (Un sound),
Rep.by her husband R.Palanisamy ... Appellant/Petitioner

Vs.

1.A.Shagayajuli

2.The Branch Manager,
Royal Sundaram Alliance
Insurance Co. Ltd,
TVS Co-operative Store Building,
No.37, Krishna Rao Tank Street,
Madurai – 625 001. ... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 08.11.2013 made in M.C.O.P No.168 of 2012 on the file of the Motor Accidents Claims Tribunal / Additional Sub Court, Karur.

For Appellant : Mr.T.Selvakumaran

For Respondent : Mr.M.Jerin Mathew
for Mr.Elango for R2

No appearance for R1.

JUDGMENT

Heard the learned counsel on either side.

2.The claimant has filed this Civil Miscellaneous Appeal seeking enhancement of the compensation awarded by the Tribunal by order dated 08.11.2013 made in M.C.O.P No.168 of 2012 on the file of the Motor Accidents Claims Tribunal / Additional Sub Court, Karur.

3.The accident in question took place on 05.02.2012. The claimant has suffered serious skull injuries. But, the Tribunal awarded a sum of Rs.6,63,000/- as compensation. It awarded only a sum of Rs.20,000/- towards pain and sufferings. It can be enhanced to a sum of Rs.70,000/-. For future medical expenses,

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the Tribunal awarded only a sum of Rs.15,000/-. It can be enhanced to a sum of Rs.65,000/-. Therefore, the compensation payable to the claimant is enhanced from Rs.6,63,000/- to Rs.7,63,000/-.

4.The award dated 08.11.2013 made in M.C.O.P No.168 of 2012 on the file of the Motor Accidents Claims Tribunal / Additional Sub Court, Karur is accordingly modified.

5.The second 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 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. Thereafter, the insurance company is permitted to recover the said amount from the vehicle owner in the very proceedings by filing execution petition. On such deposit, the claimant is entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by her.

6.The Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Additional Subordinate Judge/
Motor Accidents Claims Tribunal, Karur.

Copy to:

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

+1CC to Mr.E.Ilango, Advocate, SR.No. 86221
+1CC to Mr.T.Selvakumaran, Advocate, SR.No. 85883

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