



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.81 of 2015

T.Kannan @ Krishnan

... Appellant/Petitioner

Vs.

1.Jegan

2.T.Siva

3.The Manager,

Reliance General Insurance Company Limited,

10/4/4, 2nd Floor,

Thaha Plaza South Bye Pass Road,

Vannarpettai,

Tirunelveli District.

... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to allow the appeal and modify the award passed in M.C.O.P.No.72 of 2011 dated 27.02.2013 on the file of the Motor Accidents Claims Tribunal Judge (Special Court for Forest Offence Cases), Nagercoil, Kanyakumari District.

For Appellant : Mr.Elis Chitra Devi

For Respondents : Mr.S.Krishnan for
M/s.K.J.Associates for R1
No Appearance for R2 and R3

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant seeks enhancement of the compensation awarded by the Tribunal. The accident in question occurred on 25.02.2011. The claimant was an inpatient from 25.02.2011 to 05.03.2011. The surgery was performed on his right leg. The doctor has issued Disability certificate, certifying that he had suffered 20% disability. Ex.14 has been marked in this regard. Therefore for disability compensation, he must be paid Rs.60,000/-.. For pain and sufferings, Rs.20,000/- can be awarded. Therefore while confirming the damages awarded under other heads, the enhancement is made in respect of these two. Therefore the compensation payable to the claimant is enhanced from Rs.1,30,000/- to Rs.1,60,000/-.



The award dated 27.02.2013 made in M.C.O.P.No.72 of 2011 on the file of the Motor Accidents Claims Tribunal Judge (Special Court for Forest Offence Cases), Nagercoil, Kanyakumari District is accordingly modified.

3.The third respondent is directed to deposit the entire compensation amount 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

4.The Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assitsant Registrar

To

- 1.The Motor Accidents Claims Tribunal,
(Special Court for Forest Offence Cases),
Nagercoil, Kanyakumari District.
- 2.The Record Keeper,
Madurai Bench of Madras High Court, Madurai.
- 3.T.Siva,
S/o.Thiraviya Nadar,
18 , North Thirukurunkudi, Nanguneri Taluk,
Tirunelveli District
- 4.The Manager,
Reliance General Insurance Company Limited,
10/4/4, 2nd Floor, Thaha Plaza South Bye Pass Road,
Vannarapettai, Tirunelveli District

+One cc to M/s.A.Elis Chitradevi, Advocate, SR.No.85117

tsg

RL/6C/2P/KK/SAR1/15/12/2017

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