



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.811 of 2015

Lakshmikanthan

... Appellant

vs

1.Subramanian

2.Tamilnadu Electricity Board,
Ramanathapuram represented
Through its Superintendent Engineer,
Ramanathapuram.

3.The Branch Manager,
United India Insurance Company Ltd.,
Door No.5/328,
Sowkath Ali Street,
Paramakkudi Town,
Ramanathapuram District.

... Respondents

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988, to call for the records relating to the Fair and Decreetal order dated 21.03.2014 in M.C.O.P.No.52 of 2012 on the file of Motor Accident Claims Tribunal cum Sub Court, Devakkottai and set aside the same in so far as the amount of compensation is concerned and enhance the said award amount.

For Appellant : Mr.R.Sundar Srinivasan

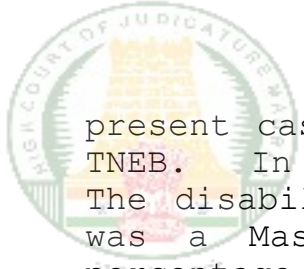
For R1 : Left

For R2 : Mr.M.MohanBabhu

For R3 : Mr.A.Shajahan

JUDGMENT

The claimant was injured in an accident that took place on 10.09.2010. The claimant was the rider of the two wheeler along with two pillion riders. This Court has severely frowned upon such riding of three persons on a two wheeler. In one case the Division Bench of this Court went to the extent of holding that 50% of contributory negligence must be fastened in all such cases. In the



present case, the two wheeler collided with the lorry belonging to TNEB. In the resulting accident the claimant suffered injuries. The disability suffered by him was assessed at 44%. The Claimant was a Mason. The Tribunal awarded a sum of Rs.2,000/- per percentage of disability. I am of the view that a sum of Rs.3,000/- per percentage of disability ought to have been awarded in this case. Therefore, the compensation payable to the claimant is enhanced by a further sum of Rs.44,000/-.

2. Therefore, the compensation awarded by the Tribunal is enhanced from Rs.4,88,786/- to Rs.5,32,786/-. The order dated 21.03.2014 made in M.C.O.P.No.52 of 2012, on the file of the Motor Accident Claims Tribunal cum Sub Court, Devakkottai, 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.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Motor Accident Claims Tribunal,
Devakkottai.

Copy to:

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

+1CC to Mr.R.Sundar Srinivasan, Advocate, SR.No. 88650

+1CC to Mr.A.Shajahan, Advocate, SR.No. 88695

+1CC to Mr.M.Mohan Babu, Advocate, SR.No. 88683

JUDGMENT MADE IN
C.M.A. (MD) No.811 of 2015
22.11.2017

cp

SDS/KK/SAR 3/02.01.2018/2P/6C