



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.959 of 2016

S.Sureshkumar

... Appellant

Vs.

1.K.A.Anwar Basha

2.The New India Assurance Company Ltd.,
having its Office at Door No.242-B
Kamarajar Salai, Madurai through its
Divisional Manager
(R1 exparte in the lower court, hence
notice may be dispensed with)

... Respondent

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 11.01.2008 made in M.C.O.P.No.2601 of 2002 on the file of Motor Accident Claims Tribunal, III Additional District and Sessions Judge (P.C.R.) Madurai.

For Appellant : Mr.C.Godwin

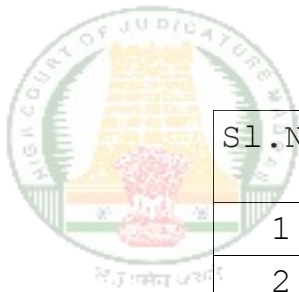
Respondent : Mr.P.Malini for R2

JUDGMENT

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

2.The claimant suffered from serious multiple injuries and fracture in his limb. He was an inpatient for more than 47 days. The Tribunal awarded a sum of Rs.1,60,000/-. I am of the view that this compensation amount is inadequate and has to be enhanced. Admittedly, the appellant suffered 38% disability.

3.The compensation payable to him can be reworked as under:



Sl.No.	Head	Award Amount in Rs.
1.	Disability 38%	76,000
2.	Pain and sufferings	50,000
3.	Extra Nourishment	44,000
4.	Attender charges	20,000
5.	Transportation expenses	10,000
6.	Future Surgery	50,000
7.	Loss of amenities	10,000
	Total	2,60,000

Therefore, the compensation payable to the claimant is enhanced from Rs.1,60,000/- to Rs.2,60,000/-. The award dated 11.01.2008 made in M.C.O.P.No.2601 of 2002 on the file of Motor Accident Claims Tribunal, III Additional District and Sessions Judge (P.C.R.) Madurai is modified accordingly.

4.The second respondent is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum, from the date of petition, till the date of realization and 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 On such deposit being made, the claimant is permitted to withdraw the entire amount, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
III Additional District and Sessions Judge, (P.C.R.) Madurai.

Copy to:

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

+1CC to M/S.P.Malini, Advocate, SR.No. 88696

+1CC to Mr.C.Godwin, Advocate, SR.No. 88562

C.M.A. (MD) No.959 of 2016

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