



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.888 of 2015

Savio Marx

... Appellant /Petitioner

vs

1.Sankaranarayanan @ Ramesh

2.Shri Ram General Insurance Company Limited,
Through its Branch Manager,
No.8, RIICO Industria Area,
Sitapura, Jaipur Rajasthan.

...Respondents/Respondents

Prayer: Appeal filed under 173 of Motor Vehicles Act, 1988, to allow this appeal and enhance the award amount in M.C.O.P.No.415 of 2012 on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, dated 18.11.2013.

For Appellant : Mr.T.Selvakumaran

For R1 : No Appearance

For R2 : Mr.D.Sivaraman

JUDGMENT

The injured/claimant has filed this appeal seeking enhancement of compensation payable to him.

2.He sustained grievous injury in the accident in question. He suffered 45% partial permanent disability. But the Tribunal awarded only a sum of Rs.2,000/- per percentage of disability. Considering the facts and circumstances of the case, an additional sum of Rs.45,000/- can be awarded towards partial permanent disability and a further sum of Rs.15,000/- can be awarded towards pain and sufferings and a sum of Rs.15,000/- can be awarded towards loss of amenities. Accordingly the claimant is entitled to a sum of Rs.75,000/- over and above what was already awarded.

3.therefore, the compensation awarded by the Tribunal is enhanced from Rs.3,85,168/- to Rs.4,60,168/-. The order dated



18.11.2013 made in M.C.O.P.No.415 of 2012, on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, is accordingly modified.

4.The second 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 On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assistant Registrar

To

Chief Judicial Magistrate,
The Motor Accident Claims Tribunal,
Tirunelveli,

+One cc to Mr.T.Selvakumaran, Advocate, SR.No.89160

+One cc to Mr.D.Sivaraman, Advocate, SR.No.88754

cp

RL/4C/2P/SKN/RSK/SAR2/20/12/2017

JUDGMENT MADE IN

C.M.A. (MD) No.888 of 2015