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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.1745 of 2016

S.Silambarasan

.... Appellant/Petitioner

-vs-

1.K.Mugil Vannan
(was set exparte in the Trial Court)

2.Iffco-Tokio General Insurance Co. Ltd.,
No.28, North Usman Road,
T.Nagar, Chennai 600 017.

Now functioning at:
Iffco-Tokio General Insurance Co. Ltd.,
Iffco Bhavan 4th floor,
No.128, Habibullah Road,
T.Nagar, Chennai 600 017.

.... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988 against the judgment and decree dated 05.03.2016 passed in M.A.C.T.O.P.No.3924 of 2013 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.Amar D.Pandiya
for Mr.M.Swamikannu

For Respondents : Exparte (For R1)

Ms.Saraswathi
for Mr.C.R.Krishnamoorthy (For R2)

J U D G M E N T

[Judgment of the Court was delivered by R.SUBRAMANIAN,J.]

The claimant is on an appeal, challenging the quantum of compensation of Rs.9,42,400/- for the injuries suffered by him



in the road accident that occurred on 21.06.2013.

2. Heard, Mr. Amar D. Pandiya, learned counsel for the appellant and Ms. Saraswathi, learned counsel for the Insurance Company.

3. The learned counsel for the appellant would submit that the injured appellant was an electrician and the accident occurred in the year 2013. The Tribunal was therefore not right in adopting very low income of Rs.8,000/-.

4. It is seen from the award of the Tribunal that he has adopted the income of Rs.8,000/-, adding 50% towards future prospects. He has awarded a sum of Rs.5,18,400/- towards loss of future earning power. We are of the opinion that the income adopted by the Tribunal is too low and income of Rs.10,000/- could be adopted in as much as the injured was a qualified electrician. Adding 40% towards future prospects, the monthly income would amount to Rs.14,000/-. Applying multiplier of '18', as the injured was aged 21 at the time of accident and taking into account the disability assessed, the compensation on the head of loss of earning capacity would amount to:

Rs.14,000/- x 12 x 18 x 20 = Rs.6,04,800/-

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5. The Tribunal has awarded Rs.20,000/- for pain, suffering and trauma. Taking into consideration the nature of injuries as well as the age of the injured claimant, we feel that the same should be enhanced to Rs.50,000/-. The Tribunal has awarded a sum of Rs.25,000/- for a period of three months, at Rs.8,000/- per month. Since we have fixed the monthly income at Rs.10,000/-, the same is enhanced to Rs.30,000/-. The award of the Tribunal is modified as follows:

Award towards		Amount
Transportation, nourishment, miscellaneous expenditure	-	Rs. 50,000/-
Medical expenses	-	Rs. 2,07,000/-
Attender charges	-	Rs. 13,000/-
Damages for pain, suffering and trauma	-	Rs. 15,000/-
Disability	-	Rs. 90,000/-
Loss of earning during the period of treatment	-	Rs. 30,000/-
Loss of earning capacity	-	Rs. 6,04,800/-



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Award towards		Amount
Loss of amenities	-	Rs. 20,000/-
Total	-	Rs.10,29,800/-

The same is rounded off to Rs.10,30,000/-.

6.Thus, the total compensation works out to Rs.10,29,800/- and the same is rounded off to Rs.10,30,000/-. The award will carry an interest of 7.5% from the date of petition till the date of payment.

7. The appeal is partly allowed. The Insurance Company is directed to deposit the the award amount less the amount, if any, already deposited within a period of six (6) weeks from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the same. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Motor Accidents Claims Tribunal,
II Court of Small Causes,
Chennai.

+1cc to Mr.M.Swamikkannu, Advocate, S.R.No.60082

+1cc to Mr.C.R.Krishnamoorthy, Advocate, S.R.No.60218

CMA No.1745 of 2016

PVS (CO)
GSP(12/02/2018)