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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM:

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

C.M.A. No.2535 of 2017

Srikanth Ramanujam

... Appellant

-vs-

1.R.Jagan

2.Cholamandalam MS General Insurance Co. Ltd.,
Regional Office at Rashmi Tower, 2nd Floor,
No.1, Village Road, Nungambakkam,
Chennai - 600 034.

Now functioning at:

Cholamandalam MS General Insurance Co. Ltd.,
Hari Nivas Towers, 2nd Floor,
No.163, Thambu Chetty Street,
Parrys Corner, Chennai - 600 001.

... Respondents

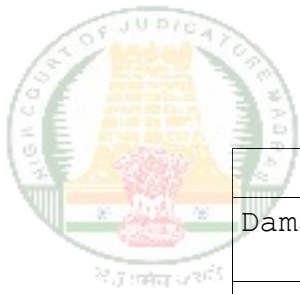
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 20.01.2017 made in MACT. OP.No.2330 of 2014 on the file of the II Judge, Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

For Appellant : Mrs.P.T.Saleem Fathima

For Respondents : Mr.R.Mohan Babu
for M/s.N.Vijayaraghavan for R2

R1 - Exparte





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Award towards		Amounts
Damages for Pain, suffering and Trauma	:	Rs. 50,000/-
Loss of Amenities	:	Rs. 20,000/-
Total	:	Rs.7,87,520/ -

5. Aggrieved, the claimant is on appeal seeking enhancement. We have heard Mrs.P.T.Saleem Fathima, learned counsel appearing for the appellant and Mr.R.Mohan Babu, learned counsel appearing for the 2nd respondent Insurance Company. The 1st respondent owner of the lorry remained exparte before the Tribunal, hence notice to him is dispensed with.

6. Mrs.P.T.Saleem Fathima, learned counsel appearing for the appellant would contend that he has been dis-engaged by the Company in which he was working as an Assistant Project Manager - Testing. Contending that he was drawing a monthly salary of Rs.50,563/- per month. Mrs.P.T.Saleem Fathima would seek an award for loss of earning power by applying the multiplier method. The relieving letter/ service certificate has been filed as Ex.P15. We find that the appellant has been relieved because he was looking for a career improvement. There is nothing in Ex.P15 to suggest that the service of the appellant was terminated because of the injuries suffered from the accident. From the nature of the injuries also, we do not find that they would have a bearing on his earning capacity. We however find that the award of the Tribunal for pain and suffering is too low and we therefore, grant a sum of Rs.2,00,000/- towards pain and suffering. The Tribunal has awarded Rs.20,000/- towards loss of amenities, considering the fact that there were facial injuries which led to disfigurement, we award a sum of Rs.50,000/- towards loss of amenities. The Tribunal awarded Rs.20,000/- towards attender charges, we enhance the same to Rs.40,000/- in view of the fact that he was treated as in-patient for nearly 20 days. The Tribunal has awarded a sum of Rs.50,000/- towards loss of earning during the treatment period. Taking into account, the salary and the nature of the injuries suffered we enhance the same to Rs.1,00,000/-. The award of Rs.1,80,000/- towards disability at Rs.3,000/- per percentage is sustained. The Tribunal has awarded a sum of Rs.10,000/- towards future medical expenses, the same is enhanced to Rs.1,00,000/-, considering the fact that the appellant will require certain corrective surgeries in future. The Medical expenses awarded at Rs.4,07,520/- based on the bills is sustained. The Tribunal has



awarded Rs.50,000/- towards transport, extra nourishment and other miscellaneous expenses the same is also sustained. Thus the total award will be Rs.11,27,520/- and the same is rounded off to Rs.11,28,000/- with interest at 7.5% per annum. It is stated that the Insurance Company had satisfied the award of the Tribunal. The Insurance Company is granted four (4) weeks time to deposit the balance amount and on such deposit the claimant is permitted to withdraw the entire amount. The award will carry interest at 7.5% per annum. There will be no order as to costs in this appeal.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

dsa

To

1. The II Judge, Motor Accident Claims Tribunal,
Court of Small Causes, Chennai.
 2. The Section Officer, VR Section, High Court, Madras 600 104.
- +1cc to Mr.N.Vijayaraghavan, Advocate SR.No.65613
+1cc to Mrs.P.T.Saleem Fathima, Advocate SR.No.65216

C.M.A. No.2535 of 2017

KAN(CO)
GMY(26/02/2019)