

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.S.SARAVANAN

C.M.A.No.1797 OF 2009

R.Kumar

... Appellant

vs

1.T.N.Rathinam

2.National Insurance Company Limited,
Motor Third Party Claims Office,
No.751, Anna Salai,
Chennai - 600 002.

(R1 exparte before the Tribunal)

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 28.10.2008 passed in M.C.O.P.No.595 of 2005, on the file of the Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

For appellant : Mr.G.Balaji Prasad

For 2nd respondent : Mr.S.Vadivel

JUDGMENT

This Civil Miscellaneous Appeal by the claimants for enhancement of compensation.

2. The case of the appellant is that he was aged 35 years at the time of the accident on 24.12.2004 and had suffered injuries while traveling in a bus as a passenger. The appellant herein has filed a restricted claim petition for a sum of Rs.10,00,000/- after assessing the compensation at Rs.13,00,000/-.

3. The Tribunal after considering the arguments and evidence on records awarded a sum of Rs.2,00,955/- on the following heads:

Sl.No.	Names of Head	Awarded by the Tribunal
1.	Permanent disability	Rs. 97,500/-

Sl.No.	Names of Head	Awarded by the Tribunal
	Pain and suffering and mental agony	Rs. 20,000/-
2.	Transport to Hospital	Rs. 5,000/-
3	Extra nourishment	Rs. 5,000/-
4	Attender Charges	Rs. 20,000/-
5	Medical Expenses	Rs. 18,455/-
6	Loss of earnings	Rs. 35,000/-
	Total	Rs.2,00,955/-

4. Heard Mr.Mr.G.Balaji Prasad, learned counsel for the appellant and Mr.S.Vadivelu, learned counsel for the 2nd Respondent.

5. During the course of hearing, the appellant stated that the amount of Rs.97,500/- awarded towards permanent disability is meager.

6. The learned counsel for the 2nd respondent-Insurance Company submitted that the appellant suffered only a partial disability in the nature of compound fracture.

7. After perusing the evidence on record it is noted that the amount awarded towards permanent disability is meager and is therefore being enhanced to Rs.2,00,000/- from Rs.97,500/- and the amount awarded towards pain and suffering to the appellant is enhanced to Rs.50,000/-. Similarly, the transport charges is enhanced Rs.10,000/-. The amount awarded towards extra nourishment is enhanced to Rs.15,000/-. Further, this Court awards a sum of Rs.10,000/- towards future medical expenses.

8. The details of the enhanced compensation now granted are as under:-

1.	Permanent disability	Rs. 2,00,000/-
2.	Pain and suffering and mental agony	Rs. 50,000/-
3.	Transport to Hospital	Rs. 10,000/-

1.	Permanent disability	Rs. 2,00,000/-
4	Extra nourishment	Rs. 15,000/-
5	Attender Charges	Rs. 20,000/-
6	Medical Expenses	Rs. 18,455/-
7	Loss of earnings	Rs. 35,000/-
8	Future medical expenses	Rs. 10,000/-
	Total	Rs. 3,58,455/-

9. This civil Miscellaneous Appeal is therefore disposed of with a direction to the 2nd Respondent-Insurance Company Ltd to deposit the said sum of Rs.3,58,455/- together with interest at the rate of 7.5% p.a. after deducting the amount already deposited if any, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the appellant-claimant is permitted to withdraw the entire amount. No cost.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kkd/drl
To

1.II Judge, Court of Small Causes,
Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

+lcc to M/S.G.Balaji Prasad, Advocate Sr.47415
+lcc to M/S.S.Vadivel, Advocate Sr.46525

C.M.A.No.1797 of 2009

rj[co]
srg 29/08/2018