

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.81 of 2018

S.Sugumaran
S/o.Sundaram

.. Appellant/Claimant

Vs.

1.R.Sowrangshu Kumar Choudary
2.The National Insurance Co. Ltd.,
Motor Third Party Claims Office,
No.751, Anna Salai, III Floor,
Chennai - 600 002.

..Respondents/Respondents

PRAYER: Civil Miscellaneous appeal filed under Section 173 of the Motor Vehicle Act, 1988 against the decree and judgment dated 31.08.2017 made in MCOP.No.3957 of 2014 on the file of the Motor Accident Claims Tribunal, (IV Small Causes Court) Chennai.

For Appellant : Mr.K.Varadhakamaraj

For Respondent 2 : Mr.S.Vadivel

J U D G M E N T

The appellant has filed the claim petition in MCOP.No.3957 of 2014 on the file of the Motor Accident Claims Tribunal, (IV Small Causes Court) Chennai claiming a sum of Rs.6,00,000/- as compensation for the injuries sustained by him in the accident that took place on 18.04.2014.

2. The Tribunal considering the pleadings, oral and documentary evidence held that the accident occurred only due to rash and negligent driving by the driver of the car belonging to the first respondent and directed the 2nd respondent as insurer of the vehicle to pay a sum of Rs.29,700/- to the appellant.

3. Not being satisfied with the award of the Tribunal, the appellant has come out with the present appeal.

4. The learned counsel appearing for the appellant contended that due to the injuries, the appellant suffered fracture in the left leg and could not do his work as he was doing earlier. The Tribunal erred in accepting the report of the medical board that the appellant has not suffered any disability, erroneously has not awarded any amount towards disability. The appellant has taken treatment as inpatient for 6 days in Government Hospital, Chengalpet for the injuries sustained by him. The Tribunal has not awarded any amount towards loss of amenities and loss of cloth. The amounts awarded by the Tribunal under different heads are meagre and prayed for enhancement of the award.

5. Per contra, learned counsel appearing for the second respondent/insurance company contended that the injuries sustained by the appellant are only simple injuries. The appellant was referred to medical board and the medical board reported that the appellant has not suffered any disability. The Tribunal, considering the report of the medical board, has not awarded any amount towards disability and awarded compensation under different heads which are not meagre and prayed for dismissal of the award.

6. Heard Mr.K.Varadha kamaraj, learned counsel appearing for the appellant as well as Mr.S.Vadivel, learned counsel appearing for the second respondent/Insurance Company and perused all the materials on record.

7. From the materials on record, it is seen that the appellant has examined himself as PW1 and deposed that he sustained injuries due to the accident and was taking treatment as inpatient in Government Hospital, Chengalpet from 18.04.2014 and 23.04.2014 and filed Ex.P2 discharge summary. The accident is of the year 2014. Admittedly the appellant was in hospital for six days. The Tribunal has not awarded any amount towards loss of amenities. The appellant is entitled to a sum of Rs.10,000/- for loss of amenities. The appellant was referred to Medical Board and Medical Board certified that the appellant did not suffer any disability. Hence, the Tribunal has not awarded any compensation under this head. The Tribunal has awarded compensation under different heads which are meagre and the same are enhanced as follows:

Heads	Amounts awarded by the Tribunal Rs.	Amounts awarded by this Court Rs.	Award confirmed or enhanced or granted
Pain and suffering	10,000/-	10,000/-	Confirmed
Extra nourishment	3,000/-	5,000/-	Enhanced
Transport to hospital	5,000/-	5,000/-	Confirmed
Damage to clothes	500/-	1,000/-	Enhanced
Attender charges	1,200/-	5,000/-	Enhanced
Medical expenses	5,000/-	5,000/-	Confirmed
Loss of income	5,000/-	15,000/-	Enhanced
Loss of amenities	Nil	10,000/-	Granted
Total	29,700/-	56,000/-	Enhanced by Rs.26,300/-

8. In the result, the appeal is partly allowed and award granted by the Tribunal at Rs.29,700/- is enhanced to Rs.56,000/- along with interest and costs. The second respondent is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.3957 of 2014. On such deposit, the appellant/claimant is permitted to withdraw the award amount, less the amount already withdrawn, if any, by filing necessary applications before the Tribunal. The appellant/claimant is directed to pay the necessary court fee, if any, on the enhanced compensation. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
(IV Small Causes Court) Chennai.

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

+1cc to Mr.K.Varadhakamaraj, Advocate SR.No.12479

+1cc to Mr.S.Vadivel, Advocate SR.No.12241

C.M.A.No.81 of 2018

MR(CO)
GMY(10/06/2019)