



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.666 of 2016

P.Meganathan

... Appellant

Vs.

1.Sathiyathan

2.M/s.Sriram General Insurance Company  
Limited,  
E-8, EPIP, RIICO Industrial Area,  
Sitapura, Jaipur,  
Rajasthan - 302 022.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 (1) of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 27.04.2015 made in M.C.O.P.No.2609 of 2013 on the file of the Special Sub Court, Motor Accident Claims Tribunal, Tiruchirappalli.

For Appellant

: Mr.N.Sudhagar Nagaraj

For Respondents

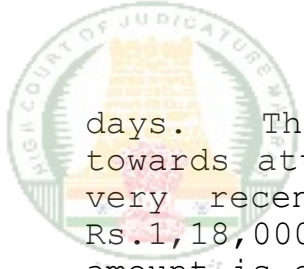
: Mr.D.Sivaraman for R2  
No Appearance for R1

#### JUDGMENT

Heard the learned counsel on either side.

2.The injured claimant has filed this appeal seeking enhancement of the compensation awarded to him.

3.The claimant suffered injury on his face and fractures on his right leg as well as right hip. He lost his two teeth in the upper jaw and he is Welder by avocation. The doctor assessed the disability at 46%. But, the Tribunal awarded only a sum of Rs.1,93,590/-. I am of the view that this has to be necessarily enhanced. For pain and sufferings, a further sum of Rs.25,000/- can be awarded. The appellant has filed additional typed set of papers showing that he has incurred a sum of Rs.75,000/- towards further medical expenses. The discharge summary issued by Shri.Ramyaa multi speciality hospital, Trichy shows that the implant was removed. Taking this into account, a sum of Rs.75,000/- can be awarded towards medical expenses. The appellant was an inpatient for 20



days. Therefore, a further sum of Rs.18,000/- can be awarded towards attender charges. Since the medical expenses was incurred very recently, it is made clear that the enhanced amount of Rs.1,18,000/- will not carry any interest. Thus, the compensation amount is enhanced from Rs.1,93,590/- to Rs.3,11,590/-.

4.The award dated 27.04.2015 made in M.C.O.P.No.2609 of 2013 on the file of the Special Sub Court, Motor Accident Claims Tribunal, Tiruchirappalli is accordingly modified.

5.The second respondent insurance company is directed to deposit the entire compensation amount of Rs.3,11,590/- within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. The amount of Rs.1,93,590/- alone will carry interest at the rate of 7.5% per annum, from the date of petition till the date of payment. On such deposit, the claimant is permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This civil miscellaneous appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1.The Special Sub Judge,  
Motor Accident Claims Tribunal,  
(Special Subordinate Court),  
Tiruchirappalli.

2.The Record Keeper, Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.(2 Copies)

+1cc to Mr.D.SIVARAMAN,Advocate,SR.94225

+1cc to Mr.N.SUDHAGAR NAGARAJ,Advocate,SR. 94295

C.M.A. (MD) No.666 of 2016  
20.12.2017

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