



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A (MD) .No.204 of 2018

N.Sigamani

... Appellant/Petitioner

Vs.

1.Ramachandren

2. Sri Ram General Insurance Company Ltd.,
rep. by its Branch Manager,
No.10003-E-8, RIICO Industrial Area Sitapura,
Jaipur,
Rajasthan - 302 022.

... Respondents/ Respondents

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MCOP No.5 of 2012 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Thanjavur at Kumbakonam, dated 20.09.2012.

For Appellant : Mr.S.Siva Thilakar

For Respondents : R.1 - dispensed with
Mr.D.Sivaraman - for R.2

JUDGMENT

Assailing over the judgment and decree passed by the learned Chief Judicial Magistrate, Motor Accident Claims Tribunal, Thanjavur at Kumbakonam, in M.C.O.P.No.5 of 2012, dated 20.09.2012, the present civil miscellaneous appeal has been filed.

2. Heard the learned Counsel appearing for the respective parties and perused the records carefully.

3. It is a case of injury and the claimant/injured, being dissatisfied with the compensation of Rs.1,92,141/- awarded by the tribunal, is before this Court, seeking enhancement. According to the appellant/claimant, he was aged about 45 years and sustained 56.7% of disability in the accident. However, the tribunal has taken 33% and awarded only a meagre sum and therefore, he prays for enhancement. It is his further case that the tribunal ought to



have awarded substantial amount towards extra nourishment, transportation and pain and sufferings, however, a meagre sum was awarded under these heads.

4. The manner of accident as well as the liability are not disputed. It is seen from the records that the appellant/claimant, in consequence to the accident, sustained grievous injuries; fractures; and had also underwent surgery. From the Doctor's evidence, it is seen that his disability was assessed as 56.7% and the tribunal has taken 55%. For the said disability, a sum of Rs.82,500/- was awarded by the tribunal, which, in my considered opinion, is very meagre. By considering the present day cost of living, this Court is of the view that it would be appropriate to give Rs.3,000/- per percentage of disability, as per the judgment rendered by this Court in the decision reported in **2013 (2) TN MAC 583**. Therefore, the compensation under this head is enhanced from Rs.82,500/- to Rs.1,65,000/- (55% X Rs.3,000/-), i.e., Rs.82,500/- is enhanced towards disability.

5. Admittedly, at the time of accident, the appellant/claimant was aged about 45 years and this Court, going by the facts of the case and after perusing the entire records, is of the view that the pain and sufferings faced by the appellant/claimant is very high. However, the tribunal has awarded a sum of Rs.10,000/- towards pain and sufferings and a sum of Rs.2,000/- towards extra nourishment, which, in my considered opinion, are very meagre and therefore, this Court is inclined to enhance the same. In result, the compensation towards pain and sufferings is enhanced and fixed at Rs.20,000/-. Insofar as the compensation towards extra nourishment is concerned, the same is enhanced and fixed at Rs.10,000/-.

6. Other than these three heads, the compensation awarded by the tribunal is reasonable and therefore, the same stands confirmed.

7. In result, this civil miscellaneous appeal is partly allowed and

- the compensation awarded by the tribunal is enhanced and the total award amount is fixed at Rs.2,92,641/- [Rs.1,92,141/- awarded by the tribunal + Rs.1,00,500/- enhanced by this Court towards disability, extra nourishment & pain and sufferings].
- The second respondent is directed to deposit the sum of Rs.2,92,641/- [Rupees Two Lakh Ninety Two Thousand Six Hundred and Forty One only] towards compensation with interest @ 7.5%, less the sum already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment.

https://hcservices.courts.gov.in/hcservices/ • deposit, the appellant/claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by him, if any, by filing proper



application before the Tribunal.

- There shall be no order as to costs.

Sd/-

Assistant Registrar(RTI)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Thanjavur at Kumbakonam.

Copy to:-

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

+ 1 cc TO Mr.S.Sivathilagar , Advocate in SR No. 63249

+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 63053

rm

AE/SKN RSK/SAR1/05.06.2018/3P/6C

C.M.A(MD) .No.204 of 2018
24.04.2018