



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD) .No.1604 of 2013

S.Gowri

... Appellant/Petitioner

Vs.

1.Light for the Blind

Rep. through the Chief Executive Officer,
Sirunaichenpatty,
A. Vellodu,
Dindigul.

2. The National Insurance Company Ltd.,

rep. by The Divisional Manager,
No.3, North Veli Street,
Madurai.

... Respondents/ Respondents

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MCOP No.1161 of 2008 on the file of Motor Accident Claims Tribunal, IV Additional Sub Judge, Madurai, dated 24.04.2012.

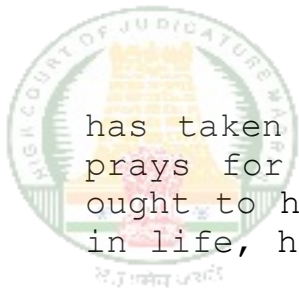
For Appellant : Mr.C.Godwin
For Respondents : R.1 - dispensed with
Mr.D.Sivaraman - for R.2

JUDGMENT

Assailing over the judgment and decree passed by the Motor Accident Claims Tribunal, IV Additional Sub Judge, Madurai, in M.C.O.P.No.1161 of 2008 dated 24.04.2012, 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.2,74,927/- awarded by the Motor Accident Claims Tribunal, IV Additional Sub Judge, Madurai, on the file of Motor Accident Claims Tribunal, IV Additional Sub Judge, Madurai, dated 24.04.2012, has preferred this Court, seeking enhancement. According to the appellant/claimant, she was aged about 48 years and has sustained 60% of disability in the accident. However, the tribunal



has taken 40% and awarded only a meagre sum and therefore, she prays for enhancement. It is her further case that the tribunal ought to have awarded substantial amount towards loss of amenities in life, however, a meagre sum was awarded under that head.

4. The manner of accident as well as the liability were 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 60% and the tribunal has taken 40%. For the said disability, a sum of Rs.60,000/- was awarded by the tribunal, which, in my considered opinion, is very meagre. The date of accident is 20.07.2007. By considering the age of the appellant, this Court is of the view that it would be appropriate to give Rs.2,000/- per percentage of disability. Therefore, the compensation under this head is enhanced from Rs.60,000/- to Rs.80,000/- (40% X Rs.2,000/-), i.e., Rs.20,000/- is enhanced towards disability.

5. Admittedly, at the time of accident, the appellant/claimant was aged about 48 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.20,000/- towards pain and sufferings, which, in my considered opinion, is very meagre and therefore, this Court is inclined to enhance the same. In result, the compensation towards pain and sufferings is enhanced from Rs.20,000/- to Rs.30,000/-, i.e., Rs.10,000/- is enhanced towards pain and sufferings.

6. Other than these two 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.3,04,927/- [Rs.2,74,927/- awarded by the tribunal + Rs.30,000/- enhanced by this Court towards disability & pain and sufferings].
- The second respondent is directed to deposit the sum of Rs.3,04,927/- [Rupees Three Lakh Four Thousand Nine Hundred and Twenty Seven 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



- On such deposit, the appellant/claimant is permitted to withdraw the same with accrued interests and costs, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.
- There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The IV Additional Sub Judge,
Motor Accident Claims Tribunal,
Madurai.

COPY TO:

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

+1cc to M/S.C.Godwin, Advocate SR.No. 61517

+1cc to M/S.D.Sivaraman, Advocate SR.No. 61685

C.M.A (MD) .No.1604 of 2013

rm

JM/JC/SAR 2/01.06.2018/3P/6C