

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1450 of 2007

E.Govindaraj

.. Appellant/Petitioner

Vs.

1. K.Muthuvel Mariappan
(R1 set exparte before the Tribunal)

2. United India Insurance Co. Ltd.,
38, Anna Salai, Chennai - 2.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 19.10.2006 made in M.C.O.P.No.333 of 2004, on the file of the Motor Accidents Claims Tribunal, VI Judge, Court of Small Causes, Chennai.

For Appellant : M/s. Ramya V.Rao

For R2 : Mr.Baskaran

J U D G M E N T

Being dissatisfied with the quantum of compensation awarded by the Tribunal, the claimant has filed the present Civil Miscellaneous Appeal, seeking enhancement of the same.

2. According to the appellant/claimant, on 13.06.2003 at about 09.30pm, while he was riding the Motor Cycle bearing Registration No.TN 02 P 0712 from south to North direction in 100 Feet Road near Koyambedu Rountana, a Trailor lorry bearing Registration No.TN 09 C 0550 belonging to the first respondent and insured with the second respondent insurance company came in a rash and negligent manner and hit the Motor Cycle from behind.

As a result of the same, the appellant sustained grievous injuries, for which, he filed a claim petition, claiming compensation of Rs.20,00,000/-. The Tribunal, after considering the oral and documentary evidence, awarded a compensation of Rs.4,57,000/- with interest at 7.5% per annum from the date of petition, with the following break-up details:

Head	Compensation awarded by the Tribunal (Rs.)
Loss of income during treatment	24,000/-
Permanent disability	80,000/-
Loss of future earnings	2,00,000/-
Pain and suffering	25,000/-
Extra Nourishment	5,000/-
Medical bills	1,06,785.35
Attender charges	6,000/-
Transportation	5,000/-
Mental agony	5,000/-
Total	4,56,785.35 @ 4,57,000/-

3.Challenging the same, the appellant is before this Court with the present appeal stating that the appellant/claimant was a bachelor, 22 years old at the time of accident and he sustained 80% permanent disability, due to which, his marital prospects would be bleak and hence, the Tribunal ought to have awarded the compensation under the head "permanent disability" by adopting the multiplier method; and the compensation awarded under other heads are very meagre and the same also need to be enhanced.

4. Today, when the matter is taken up for hearing, the learned counsel for the appellant/claimant and the learned counsel for the second respondent/insurance company have agreed to enhance the award passed by the Tribunal to the tune of Rs.9,00,585/- with interest at 7.5%p.a, taking note of the quantum of permanent disability sustained and the period of treatment undertaken by the appellant/claimant. A memo of calculation has been filed by the learned counsel for both sides to that effect.

5. Recording the said submissions made by the learned counsel for both sides, this Court is inclined to enhance the compensation awarded by the Tribunal from Rs.4,57,000/- to Rs.9,00,585/-, which is payable with interest at 7.5% per annum and the same is hereby awarded. The break-up details of the compensation so arrived at would be thus:

Head	Compensation enhanced by this Court (Rs.)
Loss of income during treatment (Rs.4,000 x 6 months)	24,000/-
Loss of future earnings, due to Permanent disability Rs.4,000/- + future prospects 40% (Rs.1600) = Rs.5,600/- Rs.5600/- x 12 x 18 x 50% disability	6,04,800/-
Pain and suffering and mental agony	30,000/-
Loss of amenities	30,000/-
Extra Nourishment	5,000/-
Medical bills	1,06,785/-
Attender charges	20,000/-
Future medical expenses	40,000/-
Transportation	15,000/-
Loss of marital prospects	25,000/-
Total	9,00,585/-

6. In fine, this Civil Miscellaneous Appeal is partly allowed. No costs. The second respondent/Insurance Company is directed to deposit the compensation amount as enhanced by this Court, with interest and costs, after deducting the amount, if any, already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the same to the savings

bank account of the appellant/claimant, through RTGS within a period of one week thereafter.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal,
VI Small Causes Court,
Chennai.

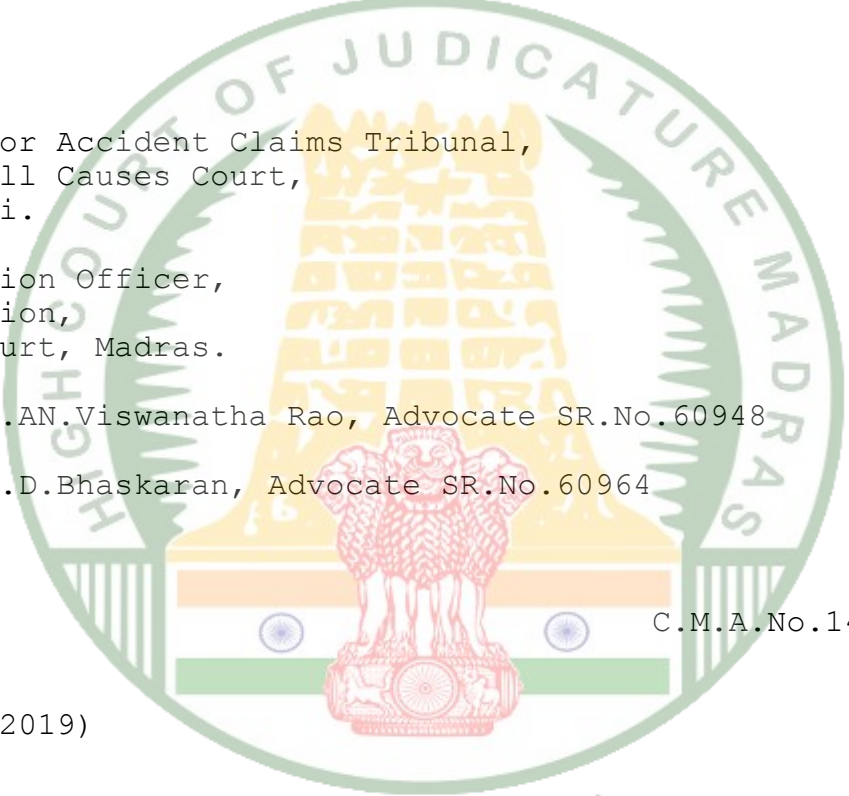
2.The Section Officer,
VR Section,
High Court, Madras.

+2cc to Mr.AN.Viswanatha Rao, Advocate SR.No.60948

+1cc to Mr.D.Bhaskaran, Advocate SR.No.60964

C.M.A.No.1450 of 2007

SS(CO)
GMY(25/11/2019)



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