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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 04.03.2019

Pronounced on : 11.06.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.1481 of 2011

R.Balachandar

... Appellant/Petitioner

Versus

1.T.Maheswaran

2.T.Eswaran

3.United India Insurance Co., Ltd.,
Muthiah Complex, 2nd Floor,
1170, Mettur Road, Erode - 638 001.

... Respondents/Respondents

[Notice for R1 & R2 may be dispensed with
Since R1 & R2 were set exparte before the Tribunal]

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 20.09.2010 made in MCOP.No.237 of 2008 on the file of the Motor Accident Claims Tribunal cum Sub Court, Bhavani and for enhancement of compensation.

For Appellant : Mr.C.Kulanthaivel

For Respondents : Exparte - R1 & R2
: Mrs.R.Sreevidhya (for R3)

JUDGMENT

The claimant is the appellant herein, who has preferred this appeal against the award dated 20.09.2010 passed in MCOP.No.237 of 2008 on the file of the Motor Accident Claims Tribunal cum Sub Court, Bhavani, seeking enhancement of compensation.

2.The factum of the accident, manner of the accident and the rash and negligent driving on the part of the driver/the first respondent are not in dispute. So, this Court is not traversing into these aspects once again. However, the main challenge in this appeal is questioning the quantum of compensation.



१२.५ : प्रमेय ५२८

7. Taking note of the injuries and the period of treatment taken by the claimant/appellant, this Court feels that the compensation amount awarded under the head 'Pain and suffering' a sum of Rs.30,000/- is fair and reasonable one and the same is hereby confirmed. During the period of hospitalisation, the Transport charges of Rs.5,000/- is enhanced to Rs.20,000/-. Accordingly, a sum of Rs.5,000/- towards Extra-nourishment is enhanced to Rs.20,000/-. Considering the medical bills, which reflects the amount incurred towards Medical expenses the sum of Rs.1,16,632/- is awarded towards medical expenses and



considering the further treatment a sum of Rs.35,000/- for future medical expenses is also awarded as against the Tribunal award of Rs.1,00,000/- to meet the ends of justice. The Tribunal was not awarded any amount under the heads of Loss of Amenities and Attender charges. Hence, this Court awards a sum of Rs.20,000/- each under the above said heads and the other heads awarded by the Tribunal does not want any interference.

8. Consequently, the total compensation amount of Rs.2,15,000/- awarded by the Tribunal is hereby modified and enhanced to Rs.3,81,632/-. The break up details of the enhanced compensation amount are as follows:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Loss of Income	Rs.15,000/-	Rs.30,000/-
Transport charges	Rs.5,000/-	Rs.20,000/-
Extra-nourishments	Rs.5,000/-	Rs.20,000/-
Pain and suffering	Rs.30,000/-	Rs.30,000/-
Disability	Rs.60,000/-	Rs.90,000/-
Medical expenses	Rs.1,00,000/-	Rs.1,16,632/-
Future medical expenses	-	Rs.35,000/-
Loss of Amenities	-	Rs.20,000/-
Attender charges	-	Rs.20,000/-
Total	Rs.2,15,000/-	Rs.3,81,632/-

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation amount of Rs.2,15,000/- awarded by the Tribunal is hereby enhanced to Rs.3,81,632/-, with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation.

(ii) The second and third respondents are directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited, if any, within a period of twelve weeks from the date of receipt of a copy of this Judgement.

(iii) On such deposit being made, the appellant/claimant is permitted to withdraw the amount along with interest and costs, after adjusting the amount if any, already withdrawn.



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(iv)The appellant is directed to pay necessary Court fee, if any, on the enhanced compensation. No costs.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

klt

To

1.The Motor Accidents Claims Tribunal,
Subordinate Judge, Bavani.

2. The Section Officer,
V.R. Section, High Court, Madras - 104.

+lcc to Mr.C.Kulanthaivel, Advocate SR.No.47106

+lcc to Mrs.R.Sreevidhya, Advocate SR.No.47673

C.M.A.No.1481 of 2011

JP(CO)
GMY(01/10/2019)