



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.03.2019

Pronounced on : 18.07.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.1218 of 2012

R.Saran Raj

... Appellant /Petitioner

Versus

1.R.Varadharajulu

(set ex-parte before the Tribunal)

2.National Insurance Co.Ltd.,

2nd Avenue Blue Star,

Anna Nagar, Chennai - 600 040. ... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 13.12.2011 made in MACT.OP.No.177 of 2009 on the file of the Motor Accidents Claims Tribunal, IV Judge, Chennai.

For Appellant : Mrs.P.T.Salim Fathima

For Respondents : Mrs.R.Sreevidhya (for R2)

: Exparte - R1

JUDGMENT

The injured claimant preferred this appeal for enhancement of compensation.

2.The factum of the accident, the manner of the accident and the finding of the Tribunal that the accident took place due to the rash and negligent driving of the driver of the first respondent's vehicle, which is insured with the second respondent herein, are not in dispute, and hence, the same are hereby confirmed.

3.PW.1/claimant deposed with regard to the injuries sustained by him and in support of his contention, he marked the discharge summaries of MIOT hospital as Ex.P2 and P3.



PW.2/Dr.Amarnath Sowlee had examined him, assessed the disability at 40% and issued the Disability Certificate, which was marked as Ex.P8.

4.Considering the disability at 35% and the date of the accident, this Court is inclined to enhance the rate of Rs.2,000/- per percentage as awarded by the Tribunal to Rs.2,500/- per percentage towards 35% of disability, which is arrived at Rs.87,500/- and the loss of income during the period of treatments has to be enhanced from Rs.18,000/- to Rs.27,000/- (Rs.4,500/- x 6); the sum of Rs.3,000/- awarded towards Transportation is enhanced to Rs.6,500/-; the sum of Rs.5,000/- awarded towards Extra-nourishment is enhanced to Rs.7,000/-; the sum of Rs.20,000/- awarded towards Attender charges is enhanced to Rs.25,000/-; the sum of Rs.30,000/- awarded towards pain and suffering is enhanced to Rs.35,000/-, considering the disability of 35%, as per the medical bills a sum of Rs.46,200/- is just and reasonable and the same is hereby confirmed and the other heads of compensation awarded by the Tribunal also remain unaltered. Thus, the break-up details of the modified and enhanced compensation amounts are as follows:-

Description	Amount awarded by Tribunal	Amount awarded by this Court
Loss of Income	Rs.18,000/-	Rs.27,000/-
Transportation	Rs.3,000/-	Rs.6,500/-
Extra-nourishment	5,000/-	Rs.7,000/-
Damage to clothes	Rs.1,000/-	Rs.1,000/-
Medical expenses	Rs.46,200/-	Rs.46,200/-
Attender charges	Rs.20,000/-	Rs.25,000/-
Pain and suffering	Rs.30,000/-	Rs.35,000/-
Disability	Rs.70,000/-	Rs.87,500/-
Total	Rs.1,93,200/-	Rs.2,35,200/-

5.In the result,

(i) this Civil Miscellaneous Appeal is partly allowed and the compensation amount of Rs.1,93,200/- awarded by the Tribunal is hereby enhanced to Rs.2,35,200/-.

(ii) the second respondent/Insurance Company is directed to deposit the enhanced compensation amount as awarded by this Court, with interest at the rate of 7.5% per annum, after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) on such deposit, the appellant/claimant is entitled to withdraw the same, by making necessary application before the Tribunal.



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

WEB COPY

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

klt

To

1.The Motor Accidents Claims Tribunal,
IV Judge, Chennai.

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

+1 cc to Mr.Swamikannu Advocate sr61544
+1 cc to Mr.Ravichandran Advocate sr62016

CMA.No.1218 of 2012

mg(co)
aa10/10/2019