

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CMA No.2478 of 2011
and
MP.No.1 of 2015

Panneerselvam

.. Appellant/Petitioner

Versus

1.K.K.Seeniappan

2.National Insurance Co., Ltd.,
No.751, Ana Salai,
Chennai - 600 006.

... Respondents/
Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicle Act, 1988 against the Judgment and Decree dated 13.08.2010 made in MCOP No.387 of 2004 on the file of the IV Judge, Small Causes Court, (Motor Vehicles Accident Claims Tribunal) at Chennai.

For Appellant : Mr.K.A.Ravindran
for Mr.Shanmugaraj

For Respondents : Mrs.N.B.Surekha (for R2)

JUDGMENT

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 13.08.2010 made in MCOP No.387 of 2004 on the file of the IV Judge, Small Causes Court, (Motor Vehicles Accident Claims Tribunal) at Chennai.

2.The appellant is claimant in MCOP No.387 of 2004 on the file of the IV Judge, Small Causes Court, (Motor Vehicles Accident Claims Tribunal) at Chennai. He filed the said claim petition for the grievous injuries sustained by him in an accident on 25.07.1997, claiming for a sum of Rs.1,50,000/- as compensation. The Tribunal granted Rs.99,000/- as compensation under the various heads. The appellant/claimant, not being

satisfied with the award amount granted by the Tribunal, has come forward with the present appeal seeking enhancement of compensation.

3.Heard both sides.

4.After hearing both parties and perusing the evidence of Ex.P2 & Ex.P3, which are Discharge summaries issued by the Doctors attached to the Government Hospitals, the appellant has suffered 50% of disability and pursuant to the same, the appellant/ claimant has lost his earning capacity due to the accident, hence, the award amount provided for loss of income by the Tribunal at Rs.9,000/- is meager and it has to be enhanced to Rs.18,000/-. It is also seen that the Tribunal did not award any amount towards attendant charges and loss of amenities especially when the claimant had suffered grievous injuries. Therefore, a sum of Rs.5,000/- towards attendant charges and a sum of Rs.5,000/- towards to loss of amenities are hereby awarded. The Tribunal awarded a sum of Rs.75,000/- towards permanent disability, which in the opinion of this Court can be enhanced to Rs.85,000/- . Accordingly, the award passed by the Tribunal at Rs.99,000/ - is enhanced to Rs.1,28,000/- as follows:-

Heads	Amount awarded by the Tribunal	Amount Modified and enhanced by this Court
Loss of Income	Rs.9,000/-	Rs.18,000/-
Transport to Hospital	Rs.2,000/-	Rs.2,000/-
Attendant Charges	-	Rs.5,000/-
Loss of Amenities	-	Rs.5,000/-
Extra Nourishment	Rs.3,000/-	Rs.3,000/-
Medical Expenses	Rs.5,000/-	Rs.5,000/-
Pain and Sufferings	Rs.5,000/-	Rs.5,000/-
Permanent Disability	Rs.75,000/-	Rs.85,000/-
Total	Rs.99,000/-	Rs.1,28,000/-

5.In the result, the Judgement and decree dated 13.08.2010 made in M.C.O.P.No.387 of 2004 on the file of the IV Judge, Small Causes Court, (Motor Vehicles Accident Claims Tribunal) at Chennai is modified and the second respondent is liable to pay the compensation on behalf of the first respondent. The second respondent is directed to pay the total sum of Rs.1,28,000/- as compensation to the appellant/claimant, together with interest and costs as awarded by the Tribunal. On such deposit being made, the appellant/claimant is permitted to withdraw the entire

amount, as determined in this appeal, with accrued interest. The appellant is directed to pay additional Court fee for the enhanced amount. The second respondent is directed to deposit the amount as determined in this appeal together with interest, after adjusting amount, if any, already deposited. Accordingly, this Civil Miscellaneous Appeal is Partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

klt

To

1. The IV Judge, Small Causes Court,
(Motor Vehicles Accident Claims Tribunal)
Chennai.

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

+1 cc to Mr.A.Shanmugaraj, Advocate, Sr.No. 9577

+1 cc to Mrs.N.B.Surekha, Advocate, Sr.No. 9469

CSL/30.05.2019

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