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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2237 of 2015

Dr.Akbar

.. Appellant/Petitioner

Vs.

The Commandant Battalin 5
Avadi Vaishnavi nagar
Avadi, Chennai-54.

.. Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 07.11.2014 made in M.C.O.P.No.1173 of 2008 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.C.B.Santhosh Kumar

For Respondent : Mr.A.Dev Narendran
Govt. Advocate (CS)

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant/claimant seeking enhancement of compensation granted by the Tribunal in the award dated 07.11.2014 made in M.C.O.P.No.1173 of 2008 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai.

2.The appellant is claimant in M.C.O.P.No.1173 of 2008 on the file of the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai. He filed the said claim petition claiming a sum of Rs.12,00,000/- as compensation for the injuries sustained by him in the accident that took place on 11.12.2007. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the jeep belonging to the respondent and directed the respondent to pay a sum of Rs.3,55,000/- as compensation to the appellant. Not being



३.५ प्रत्येक अर्थी

6. From the materials available on record, it is seen that the appellant has contended that he was working as a lecturer in Raghas Dental College and was earning a sum of Rs.10,000/- per month and was also earning a sum of Rs.15,000/- by running private clinic. The Tribunal fixed a sum of Rs.10,000/- as monthly income of the appellant and awarded a sum of Rs.30,000/- towards loss of income for three months, which is meagre. This Court awards a sum of Rs.60,000/- towards loss of income for six months. P.W.2 and P.W.3/Doctors assessed the total disability of the appellant at 85% and the Tribunal reduced the same to 60%. The same is erroneous. The appellant is entitled to compensation for 85% disability. The amount awarded by the Tribunal towards disability is modified to Rs.1,70,000/- (Rs.2,000/- X 85%) by awarding a sum of Rs.2,000/- per percentage. The amounts awarded by the Tribunal towards transportation, extra nourishment and loss of amenities are meagre. Considering the nature of injuries sustained by the appellant and period of treatment taken by him, this Court enhances a sum of Rs.10,000/-, Rs.15,000/- and Rs.50,000/- towards transportation, extra nourishment and loss



of amenities respectively. The amounts awarded by the Tribunal under other heads are just and reasonable and the same are confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of income	30,000	60,000	Enhanced
2.	Transportation	7,000	10,000	Enhanced
3.	Extra nourishment	7,000	15,000	Enhanced
4.	Damage to clothes	1,000	1,000	Confirmed
5.	Medical expenses	65,000	65,000	Confirmed
6.	Future medical expenses	25,000	25,000	Confirmed
7.	Attendant charges	15,000	15,000	Confirmed
8.	Loss of amenities of life	35,000	50,000	Enhanced
9.	Pain and suffering	50,000	50,000	Confirmed
10.	Disability	1,20,000	1,70,000	Enhanced
	Total	3,55,000	4,61,000	Enhanced by Rs.1,06,000/-

7. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.3,55,000/- is hereby enhanced to Rs.4,61,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant/claimant is directed to pay necessary Court fee, if any, on the enhanced compensation. The respondent is directed to deposit the entire award amount now determined by this Court along with interest and costs, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw



the entire award amount, along with interest and costs, less the amount if any, already withdrawn. No costs.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To
1.The II Judge
Small Causes Court
Motor Accidents Claims Tribunal,
Chennai.

+1 cc to Mr.C.B.Santhosh Kumar Advocate sr42361
+1 cc to Special Government Pleader HighCourt Madras
sr43040

C.M.A.No.2237 of 2015

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