

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.NO.1746 OF 2016

N.Manimaran

... Appellant/Petitioner

Vs

1. H.Riyazuddin

2. United India Insurance Co.Ltd.
No.38, Anna Salai,
Chennai-2.

Now office changed at
United India Insurance Co.Ltd.
Third Party Claim Office
No.134, Greams Road
Chennai-6.

... Respondents/Respondents

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 30.01.2010 made in MCOP No.2731 of 2001 on the file of the Motor Accidents Claims Tribunal/ V Small Causes Court at Chennai.

For Appellant : Mr.J.Ramkumar

For Respondents : Mr.J.Chandran for R2

JUDGMENT

This appeal is preferred by the appellant/claimant against the award of a sum of Rs.20,000/- towards compensation due to the injuries sustained by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 22.05.2000 at about 12.00 hours, the appellant was walking in the Meera Leppay Street, Chennai. At that time, the scooter bearing Reg.No.TN-04-F-1658 belonging to the first respondent and insured with the second respondent Insurance Company, came from behind in a rash and negligent manner and dashed against the appellant/claimant. Due to the

said impact, the appellant/claimant sustained grievous injuries. The appellant/claimant filed a claim petition before the Tribunal, claiming a sum of Rs.75,000/- as compensation. On consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.20,000/- with interest at the rate of 7.5% per annum from the date of petition.

3.Challenging the same, the appellant-claimant has filed the present Civil Miscellaneous Appeal for enhancement of compensation.

4.The learned counsel for the appellant/claimant has submitted that the compensation of Rs.20,000/- awarded by the Tribunal is very low compared to the injuries suffered by the claimant and against the claim of Rs.75,000/- made by the claimant. Stating so, the learned counsel prayed for enhancement of compensation.

5.The learned counsel for the second respondent/Insurance Company has submitted that the Tribunal has rightly considered the materials and evidence available on record and has awarded the just, fair and reasonable compensation and hence the same does not require any interference in the hands of this Court.

6.Heard the learned counsel for the appellant and the learned counsel for the second respondent Insurance Company and perused the materials available on record carefully and meticulously.

7.The details of compensation awarded by the Tribunal are as follows:

HEADS	AMOUNT (Rs.)
Pain and suffering	9,000/-
Extra nourishment	1,000/-
Permanent disability	10,000/-
TOTAL...	20,000/-

8.It is claimed by the claimant that he sustained crush injury on his left leg foot, head injury and multiple injuries all over the body. Ex.P2 is the Discharge Summary issued by the Government Stanley Hospital, Chennai as per which it is seen that the claimant has suffered fracture of left calcaneum and concussion of brain and was treated as in-patient from 22.05.2000 to 25.05.2000. Considering the nature of injuries

suffered by the appellant / claimant, it would be appropriate to enhance the amounts awarded by the Tribunal towards pain and suffering and extra nourishment to Rs.20,000/- and Rs.3,000/- respectively, and to award a sum of Rs.12,000/- towards loss of amenities. The amount awarded towards permanent disability at Rs.10,000/- is confirmed. The details of the modified compensation are as under:

HEADS	AMOUNT (Rs.)
Pain and suffering	20,000/-
Extra nourishment	3,000/-
Permanent disability	10,000/-
Loss of amenities	12,000/-
TOTAL...	45,000/-

Thus, the appellant/claimant is entitled to the modified compensation of Rs.45,000/-. It is made clear that only for the compensation of Rs.20,000/- awarded by the Tribunal, the interest rate of 7.5% per annum shall be calculated from the date of claim petition. For the enhanced amount of Rs.25,000/-, the interest rate of 7.5% shall be calculated from the date of filing of this appeal.

9.The Civil Miscellaneous Appeal is allowed to the extent indicated above. No costs.

10.The second respondent Insurance Company is directed to deposit the modified compensation as ordered above, less 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 appellant/claimant shall withdraw the same, on making proper application before the Tribunal.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

1. The V Small Causes Judge,
Motor Accidents Claims Tribunal,
Chennai.

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

+1cc to Mr.J.Ramkumar, Advocate, S.R.No.88594

C.M.A.No.1746 of 2016

BR(CO)
CS/06/10/2020
CS/08/10/2020



WEB COPY