

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CMA No. 3796 of 2019

Mr. Sridhar G ... Appellant/Petitioner

..vs..

1. Mr. B.Sugumar

2. M/s. Cholamandalam General Insurance Company Limited
Chennai.

3. Mr. D. PalaniRespondents/Respondents
(RR1, 3 set exparte)

Prayer: This is an appeal filed under Section 173 of The Motor Vehicles Act, 1988, by the claimant seeking enhancement in the compensation granted to him by order dated 18.02.2019 made in MCOP No. 2460 of 2016 on the file of the Motor Accident Claims Tribunal/ Special Sub Court No.2, Small Causes Court, Chennai.

For Appellant : Mrs. Santhi V N

For Respondents : Mr. Vijayaraghavan N for R2

R1 & R3 (Set exparte)

ORDER

This appeal has been taken up for hearing with the consent of both parties. The respondent/insurer have communicated their consent along with the consent of the counsel of the appellant/claimant which they have obtained through digital mode, namely, WhatsApp message. This court is satisfied with the consent expressed by both sides through such digital mode, given the peculiar circumstances created by the pandemic- COVID19.

2.The award of the tribunal has been tabulated as follows:

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Heads	MACT Award Amount
Compensation for Disability 2*3000	Rs.6,000/-
Pain and Sufferings	Rs.20,000/-
Partial loss of Income	Rs.69,700/-
Transport	Rs.3,000/-

Extra Nourishment	Rs.20,000/-
Damage to Clothing	Rs.5,000/-
Medical expenses	Rs.37,500/-
Loss of Amenities & Disfigurement	Rs.20,000/-
Attendant Charges	Rs.15,000/-
Total	Rs.1,96,200/-

3.The injured claimant has suffered a disablement of 2% for the injuries of his little finger distal tip (pulp). A traumatic amputation with exposed tip of terminal phalanx was performed and the injured has undergone physiotherapy for 3 months as per evidence. The other conventional heads allowed by the tribunal are paltry. The modified award is be tabulated as follows:

Heads	High Court Award
Compensation for Disability	Rs.6,000/-
2*3000	
Pain and Sufferings	Rs.50,000/-
Partial loss of Income	Rs.69,700/-
Transport	Rs.18,000/-
Extra Nourishment	Rs.25,000/-
Damage to clothing	Rs.5,000/-
Medical expenses	Rs.37,500/-
Loss of Amenities & Disfigurement	Rs.60,000/-
Attendant Charges	Rs.25,000/-
Total	Rs.2,96,200/-
Enhancement	Rs.1,00,000/-

4.There can be no serious dispute on the need for enhancement and an enhancement to Rs.2,96,200/- would be in order . The award shall stand modified accordingly.

5.In the result, the appeal shall stand allowed in part, enhancing the award from Rs.1,96,200/- with interest at 7.5% p.a. from the date of filing of the claim petition to Rs.2,96,200/- with interest at 7.5% p.a from the date of filing of claim petition, payable by the insurer within two weeks from date of receipt of this order by E-Mail.

6.The insurer shall deposit the difference in award amount of Rs.1,00,000/- with interest at 7.5% p.a. from the

date of filing of the claim petition till date of deposit of the award amount and upon such deposit, the claimant shall be entitled to withdraw the same. No orders as to costs in this appeal.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

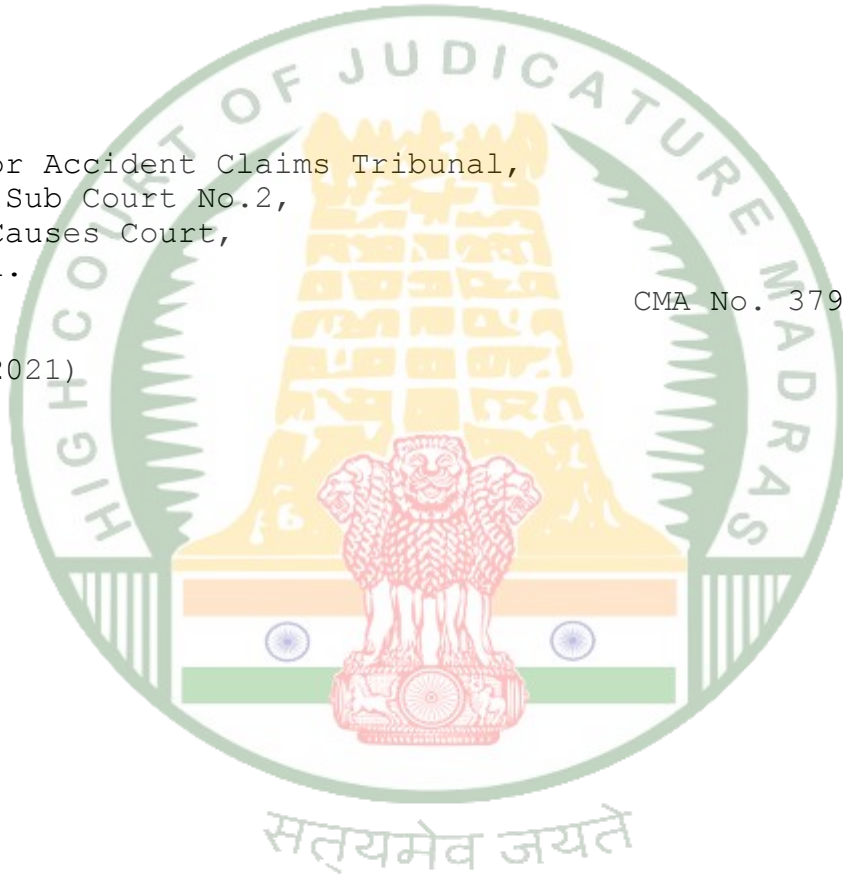
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To

1.The Motor Accident Claims Tribunal,
Special Sub Court No.2,
Small Causes Court,
Chennai.

CMA No. 3796 of 2019

KJ(CO)
GN(29/04/2021)



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