



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.A. (MD)No.369 of 2019

Pandian

... Appellant/Claimant

Vs.

1.Kamala Doss

2.Murugan

3.The United India Insurance Company Limited,
Tirunelveli.

... Respondents/Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.10.2018 made in M.C.O.P.No.269 of 2014 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Thoothukudi.

For Appellant: Mr.S.M.Mohan Gandhi
For R2 : No appearance
For R3 : Mr.A.S.Mathialagan

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the claimant challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Thoothukudi in M.C.O.P.No.269 of 2014, dated 03.10.2018.

2. The only ground raised in the present appeal is the medical bills of the appellant/claimant has not been considered by the Tribunal and no amount was awarded towards future medical expenses. According to the appellant/claimant, there are two medical bills and one is for a sum of Rs.42,000/- and another one is for a sum of Rs.14,938/-.

3. With regard to the medical bill of Rs.14,938/-, learned counsel appearing for the third respondent/Insurance Company has no objection to consider the same and with regard to the medical bill of Rs.42,000/-, he has made an objection. Though the learned counsel for the third respondent/Insurance Company made an objection, since the patient name was overwriting, he fairly agreed to pay lump sum compensation of Rs.50,000/-. The learned



counsel for the appellant/claimant has also agreed for the same. Accordingly, this Court awards a sum of Rs.50,000/- as compensation, in addition to the amount awarded by the Tribunal.

4. Further, the learned counsel for the appellant/claimant would contend that no amount was awarded towards removal of steel plates already fixed and he claims a sum of Rs.10,000/-. The learned counsel for the third respondent / Insurance Company fairly submitted that this claim may be considered. Therefore, this Court awards another sum of Rs.10,000/- towards future medical expenses. Hence, the amount awarded by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Thoothukudi in M.C.O.P.No.269 of 2014, dated 03.10.2018, is enhanced from Rs.55,000/- to Rs.1,15,000/- (Rs.55,000/- + Rs.60,000). Accordingly, the Civil Miscellaneous Appeal is partly allowed.

5. The third respondent/Insurance Company is directed to deposit the entire award amount along with interest at the rate of 7.5 % per annum from the date of claim petition till the date of deposit, to the credit of the claim petition, within a period of eight weeks from the date of receipt of a copy of this order, if not deposited already. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Account Number of the claimant by way of RTGS/NEFT system, after getting his Account Details, within a period of three weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

akv

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Thoothukudi.

+1 CC to MR.S.M.MOHAN GANDHI, Advocate (SR-94290[F] dated 24/10/2019)

+1 CC to MR.A.S.MATHIALAGAN, Advocate (SR-94476[F] dated 25/10/2019)

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