

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**C.M.A. (MD) .No.1317 of 2016**

Paramasivam

... Appellant/Claimant

Vs.

1.Mr.L.Sivalingam

2.The Reliance General Insurance Company Limited,
represented by its Branch Manager,
V.E.Road, Thoothukudi,
Thoothukudi District.

(Respondent 1 is given up since
he remained ex-parte before the Tribunal)

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award and decree passed in M.C.O.P.No.242 of 2010, dated 07.03.2011 on the file of the Motor Accident Claims Tribunal, Additional District Court (Fast Track Court No.II), Thoothukudi, wherein the award was restricted to Rs.1,05,530/- as against the claim of Rs.10,00,000/-.

For Appellant

: Mr.A.Thiruvadi Kumar

For R2

: Mr.K.Gokul

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, Additional District Court (Fast Track Court No.II), Thoothukudi, in M.C.O.P.No.242 of 2010, dated 07.03.2011.

2. The Tribunal has awarded a sum of Rs.1,05,530/- in the manner stated below:

S. No	Description	Amount awarded by the Tribunal (Rs)
1.	For partial permanent disability	60,000

2.	For pain and suffering	25,000
3.	For temporary loss of income	9,000
4.	For Transport expenses	250
5.	For extra nourishment	3,000
6.	For medical expenses	8,280
	Total	1,05,530

3. The learned counsel appearing for the appellant/claimant contended that the partial permanent disability fixed by the Doctor is 30% and the Tribunal has awarded a sum of Rs.2,000/- per 1% disability, which is very low. He further contended that as stated in the II Schedule of the Motor Vehicles Act, for the no fault liabilities, compensation to be awarded by applying the multiplier method. Therefore, he insisted this Court to apply the multiplier method for awarding compensation.

4. The learned counsel appearing for the second respondent / Insurance Company strongly opposed the contention of the learned counsel for the appellant / claimant for the application of the multiplier method.

5. Further, the learned counsel appearing for the appellant/claimant contended that no amount was awarded towards future medical expenses and the amount awarded by the Tribunal for transportation is also very low and hence, the same may be considered. For which, the learned counsel appearing for the second respondent/Insurance Company submitted that a sum of Rs.20,000/- may be awarded towards future medical expenses and Rs.5,000/- for transportation. The learned counsel appearing for the appellant/claimant fairly accepted the contention of the respondent and he restricted his claim with regard to the future medical expenses to the extent of Rs.20,000/- and with regard to the transportation Rs.5,000/-.

6. In view of the agreement between both the parties, this Court, without going into the merits of the case, awards a sum Rs.20,000/- towards future medical expenses and a sum of Rs.5,000/- towards transportation. Hence, the Civil Miscellaneous Appeal is allowed in part and the amount awarded by the Tribunal stands increased from Rs.1,05,530/- to Rs.1,30,530/-.

7. The learned counsel appearing for the second respondent/ Insurance Company submitted that no award amount was deposited. Hence, this Court directs the second respondent/ Insurance Company to deposit the entire award amount within a period of eight weeks from the date of receipt of a copy of this order along with interest at the rate of 7.5% from the date of petition till the date of deposit. On such deposit, the Tribunal is directed to transfer the said amount directly to the Personal Savings Banks 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 ()

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

To

The Motor Accident Claims Tribunal,
Additional District Court (Fast Track Court No.II),
Thoothukudi,

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-97087[F] dated 08/11/2019)

+1 CC to Mr.K.GOKUL, Advocate (SR-97329[F] dated 11/11/2019)

C.M.A. (MD) .No.1317 of 2016
07.11.2019

VB(19.02.2020) 3P 4C