

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.557 of 2010

(Through Video Conferencing)

Elangovan ... Appellant
Vs.

1.Selladurai

2.Royal Sundaram Alliance Insurance Co. Ltd.,
No.40, Whites Road, Chennai - 14. ... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree passed by the Motor Accident Claims Tribunal, Salem, Principal Subordinate Judge, Salem made in M.C.O.P.No.187 of 2006 dated 09.04.2009.

For Appellant : Mr.K.Kuppusamy

For R1 : Exparte

For R2 : M/s. Harini for
Mr.N.Vijayaraghavan

J U D G M E N T
नसियमेव जयते

Heard the learned counsels for the appellant and the 2nd respondent.

2. This Civil Miscellaneous Appeal has been filed against the order and decree dated 09.04.2009 passed by the learned Principal Subordinate Judge, Motor Accident Claims Tribunal, Salem in M.C.O.P.No.187 of 2006.

3. By the impugned order, the Tribunal has awarded a sum of Rs.40,000/- together with interest at 7.5% per annum from the date of filing of the claim petition, to the appellant/claimant under the following heads:-

For discomfort sustained	Rs.25,000/-
For pain, sufferings, mental shock, etc.	Rs.10,000/-
For Nutrition and Transport	Rs. 3,000/-
Damages caused to clothes	Rs. 2,000/-
Total	Rs.40,000/-

4. Challenging the same, the appellant has filed the present Civil Miscellaneous Appeal.

5. The appellant had suffered injury in an accident that took place on 12.08.2004. Therefore, the appellant/claimant filed the claim petition for compensation of Rs.5,00,000/-. Tribunal has awarded a sum of Rs.40,000/- as above as against the claim amount. According to the appellant, though the Exhibit A.9 the Disability Certificate certified that the appellant/claimant's permanent disability as 30%, meager amount of Rs.25,000/- has been awarded towards the disability by considering the disability as 25%.

6. I have considered the arguments advanced by the learned counsel for the appellant and the 2nd respondent.

7. Considering the fact that the appellant was working as a bank employee and was hospitalised for a month, amount of Rs.25,000/- awarded towards the discomfort, is enhanced by another sum of Rs.25,000/-. Further, considering the nature of injuries suffered by the appellant/claimant, the amount of Rs.10,000/- awarded towards pain and sufferings, mental shock and etc., is enhanced by another sum of Rs.10,000/-. For the same reason, the amount of Rs.15,000/- towards the loss of amenities, is also awarded. In fine, the compensation of Rs.40,000/- awarded by the Tribunal, is enhanced by another sum of

Rs.50,000/-. Therefore, the total amount payable by the 2nd respondent Insurance Company is Rs.90,000/- (40,000 + 50,000) .

8. Accordingly, the 2nd respondent is directed to deposit a sum of Rs.90,000/- together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and cost awarded by the Tribunal, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

9. On such deposit that is being made by the 2nd respondent, the appellant is permitted to withdraw the same by filling suitable application before the Tribunal.

10. Accordingly, this Civil Miscellaneous Appeal is allowed with the above directions. No cost.

Sd/-
Assistant Registrar(CS-IX)

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Sub Assistant Registrar

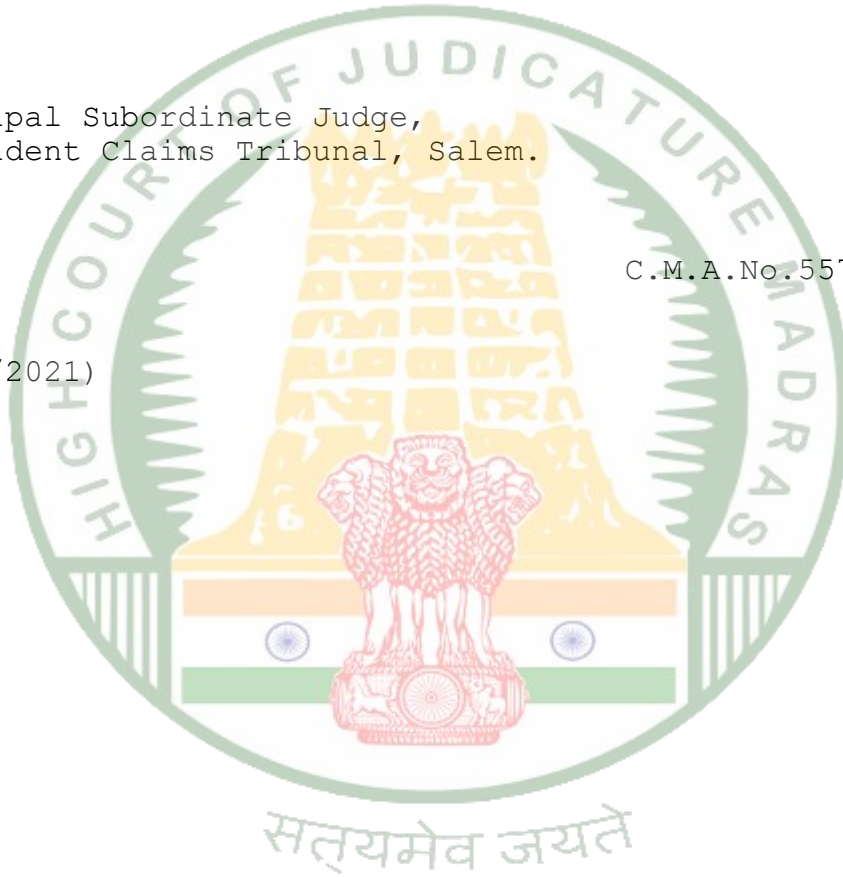
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To:

The Principal Subordinate Judge,
Motor Accident Claims Tribunal, Salem.

C.M.A.No.557 of 2010

GMV (19/04/2021)



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