



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.1409 of 2016

S.Karthika

...Appellant

/versus/

1.A.Pransishraja

2.M/s.Sri Ram General Insurance Company Ltd.,
No.E-8, EPIP, RIICO Industrial Area, Sitapura,
Jaipur, Rajasthan State-302 022.

...Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 01.12.2014 made in M.C.O.P.No.71 of 2012 on the file of MACT/Sub Court, Namakkal.

For Appellant : Mr.Lokesh
for Mr.MA.P.Thangavel

For Respondents : Ex-parte for R1
: Mr.S.Dhakshnamoorthy for R2

J U D G M E N T

(The case has been heard through video conference)

The claimant Karthika who was 19 years old college student sustained fracture in the accident, when she was riding the TVS Scooty along with her mother on the pillion. The Tribunal on considering the evidence and wound certificate issued by the doctor has awarded a sum of Rs.1,44,426/-. Not satisfied with the quantum of compensation, the present appeal is filed for enhancement.

2. The learned counsel for the appellant would submit that the claimant had sustained fracture injury on her left hand humerus. Though the doctor has assessed the disability at 40%, the Tribunal has reduced at 30% and has awarded only Rs.2,000/- per percentage instead of Rs.3,000/-.



3. The learned counsel for the respondent/Insurance Company would submit that the Tribunal has rightly assessed the disability of the claimant. Disability for the part of the body given by the doctor has been converted by the Tribunal as whole body disability and fixed at 30%. Further the compensation per percentage may be increased to Rs.3,000/- as prevailing at the relevant point of time.

4. Taking note of the rival submissions, the award of the Tribunal is modified and enhanced as below:

Head	Modified award amount
For disability (Rs.3,000x30%)	Rs.90,000/-
Medical bills	Rs.66,926/-
Pain and Suffering	Rs.15,000/-
Extra Nourishment	Rs. 5,000/-
Attender charge	Rs. 5,000/-
Loss of Amenities	Rs. 5,000/-
Transportation	Rs. 5,000/-
Damage to cloth	Rs. 500/-
Total	Rs.1,92,426/-

Rounded off Rs.1,92,500/-

5. The respondent / Insurance Company herein is directed to deposit the award amount with interest at the rate of 7.5% per annum from the date of filing till the date of deposit within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the award amount on filing proper petition.

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

The MACT/Sub Court, Namakkal.



+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.36109

+1cc to Mr.S.Dhakshnamoorthy, Advocate, S.R.No.35759

C.M.A.No.1409 of 2016

WEB COPY

CNR (CO)

CB(28/09/2021)