

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.756 of 2015

M.Gowrishankar

...Appellant/Petitioner

Vs.

1.G.Siva Shankaran
(was set exparte in the trial court)

2.ICICI Lombard G1 Insurance Co.2.
Arihant Plaza, No.84/85, Walltax Road,
Chennai-600 003.
Service at:
ICICI Lombard G1 Insurance Co.
Chotabhai Towers,
No.140, Nungambakkam High Road,
Chennai-600 006.

...Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment & Decree dated 21.11.2014 made in MACT.O.P.No.1618 of 2011 on the file of the II Judge, Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

For Petitioner : Mr.P.T.Salim Fathima

For Respondents : M/s.R.Sree Vidhya for R2
R1-Ex-parte.

J U D G M E N T

The lis on hand is filed against the judgment and decree dated 21.11.2014 passed in MACT.O.P.No.1618 of 2011 on the file of the II Judge, Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

2. The claimant is the appellant, who met with an accident on 12.04.2011, at the junction of Seethmabal Colony 2nd main

Road and Appadurai Street, Teynampet, Chennai 600 018. Pondy Bazzar Police Station registered a complaint in Crime No.146/TN3/2011 and the documents were verified and the claim petition was filed before the Tribunal. The Tribunal adjudicated the issues between the parties and arrived at a conclusion that the nature of the injuries sustained by the appellant/claimant is partial permanent disability and the assessment is made as 30%, awarded a sum of Rs.60,000/- towards disability by applying Rs.2,000/- per percentage. Further compensation were granted under the head of loss of income, Transportation, Extra Nourishment, Damage to clothes, Medical Expenses, Further Medical Expenses, Attender charges, Mental Agony to the petitioner, Loss of amenities of life, Pain and suffering.

3. As far as the other compensation heads are concerned, deserves no further interference. However, the loss of disability is assessed as Rs.2,000/- per percentage and it is brought to the notice that this Court enhanced the same from Rs.2,000/- to Rs.3,000/- per percentage. The said judgment was delivered during the year 2013 and in all other cases, the Courts have consistently granted Rs.3,000/- per percentage for disability. Under these circumstances, the said amount of Rs.60,000/- awarded by the Tribunal towards disability alone is to be enhanced. Thus, the appellant/claimant is entitled for a sum of Rs.90,000/- for disability of 30% at the rate of Rs.3,000/- per percentage. With reference to other heads, no interference is called for and the Tribunal has rightly considered the documents as well as evidences produced by the respective parties. Accordingly, the judgment and decree dated 21.11.2014 passed in M.C.O.P.No.1618 of 2011 is modified only with reference to compensation granted under the head of disability which is now enhanced as Rs.90,000/- from Rs.60,000/-. In all other respects, the compensation granted by the Tribunal stands confirmed. Thus, the appellant/claimant is entitled to get total compensation of Rs.4,38,000/-.

4. The learned counsel appearing on behalf of the second respondent/Insurance Company brought to the notice of this Court that the second respondent has deposited the award amount in entirety and the appellant/claimant had withdrawn the entire amount. Thus, the second respondent/Insurance Company is directed to deposit the enhanced amount of Rs.30,000/- with interest at the rate of 7.5% per annum within a period of six weeks from the date of receipt of a copy of this judgment and on such deposit, the appellant/claimant is permitted to withdraw the said amount by filing appropriate application before the tribunal and the payments are to be made through RTGS.

5. Accordingly, the Civil Miscellaneous Appeal stands allowed in part. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The II Judge,
Motor Accident Claims Tribunal,
(Court of Small Causes),
Chennai.

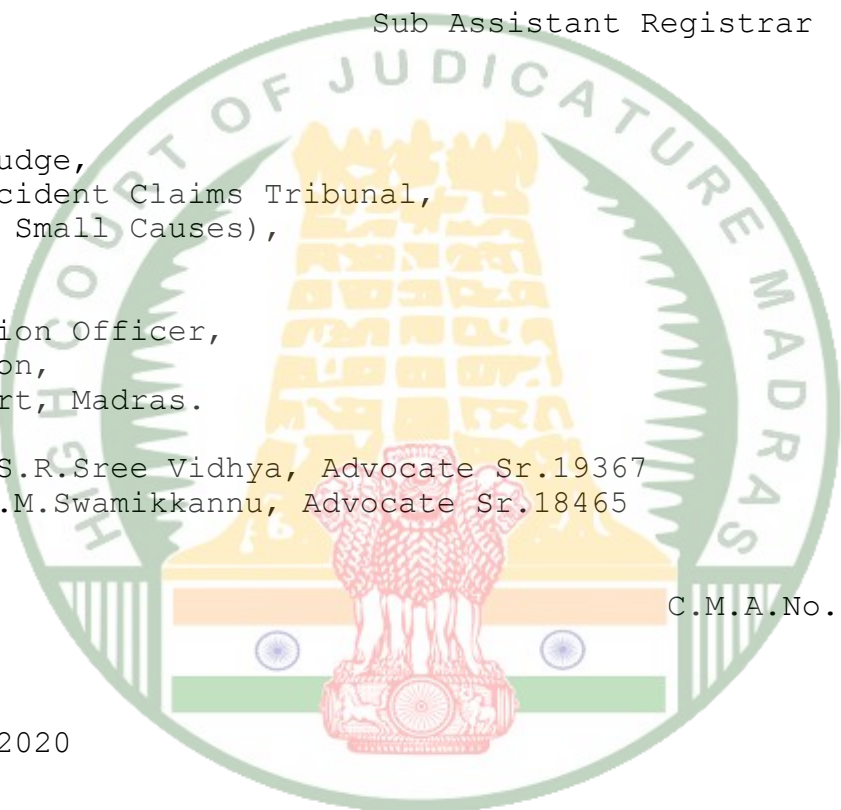
2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to M.S.R.Sree Vidhya, Advocate Sr.19367

+1cc to Mr.M.Swamikkannu, Advocate Sr.18465

C.M.A.No.756 of 2015

sr[co]
srg 16/12/2020

The seal of the High Court of Judicature Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital carved from a single block of dark soapstone. The lions are facing the four cardinal directions. The capital is set on a high, square, four-story abacus. The entire emblem is surrounded by a green border containing the text 'HIGH COURT OF JUDICATURE MADRAS' in white capital letters. Below the emblem, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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