

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.702 of 2016

P.K.Sudhakar

.. Appellant/Petitioner

Vs.

1.G.Sudhakar

2.The Oriental Insurance Co. Ltd.,
No.216, Prakasam Salai,
Oriental House, HUB,
II - Floor, Broad Way,
Chennai - 104.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 30.06.2011 made in M.C.O.P.No.51 of 2009, on the file of Motor Accident Claims Tribunal, (Subordinate Court), Thiruvallur.

For Appellant : Mr.K.R.Ponnusamy
For M/s.Anand and Suryas
For R1 : Exparte
For R2 : M/s.N.Sampath

J U D G M E N T

The appeal is filed seeking enhancement of compensation.

2. The accident occurred on 02.12.2008 at about 7.30 p.m. near in front of Elementary School Nelavoi, Kotha Indlu, S.R.Puram Mandalam, Chittoor District. The compensation of Rs.6,00,000/- was claimed and the Tribunal adjudicated the issues. The factum regarding the accident was established by the claimant. The liability was also fixed on the second respondent/Insurance company, as the policy was in force and the claimant could able to establish that there is a coverage.

3. The learned counsel appearing on behalf of the appellant mainly contended that the appellant/claimant was aged about 25 years at the time of accident and he was a Tractor driver and doing agricultural works. The learned counsel also mainly contended that the appellant sustained injuries resulted in partial permanent disability and even now he is having hearing issues and therefore the compensation awarded by the Tribunal is inadequate.

4. This Court is of the considered opinion that the claimant was aged about 25 years and the nature of injuries are also grievous in nature. This being the factum, the Tribunal ought to have granted at least Rs.3,000/- per percentage and by granting Rs.1,000/- per percentage the compensation became inadequate. Thus, this Court is inclined to enhance the compensation as detailed hereunder:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability (70% x Rs.3,000/-)	70,000/-	2,10,000/-	Enhanced
2.	Pain and Sufferings	7,000/-	25,000/-	Enhanced
3.	Transport Charges	2,000/-	10,000/-	Enhanced
4.	Loss of Income (Rs.5000/- x 6 months)	16,000/-	30,000/-	Enhanced
5.	Extra Nourishment	2,000/-	10,000/-	Enhanced
6.	Medical Expenses	1,04,420/-	1,04,420/-	Confirmed
	Total	2,01,420/-	3,89,420/-	Enhanced to Rs.3,89,420/-

5. Thus the appellant/claimant is entitled for a total compensation of Rs.3,89,420/-. Therefore, the second respondent/Insurance company is directed to deposit the entire award amount including the enhanced amount along with interest at the rate of 7.5% per annum, if not already deposited, within a period of six weeks from the date of receipt of copy of this judgment and on such deposit, the claimant is permitted to withdraw the said amount by filing appropriate application and the payments are to be made only through RTGS.

6. Thus the Judgment and Decree dated 30.06.2011 passed in M.C.O.P.No.51 of 2009 is set aside and C.M.A.No.702 of 2016 stands allowed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi

To

1.The Subordinate Judge,
(Subordinate Court- cum-Motor Accidents Claims Tribunal),
Thiruvallur.

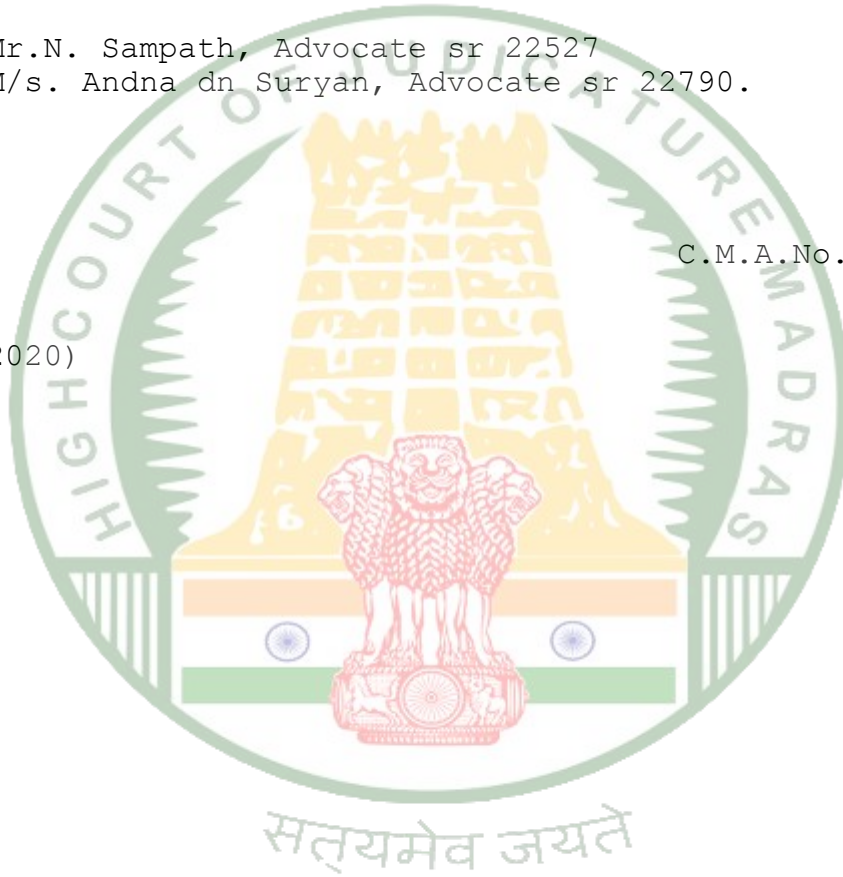
2.The Section Officer,
V.R Section,
High Court, Madras.

+1 CC to Mr.N. Sampath, Advocate sr 22527

+1 CC to M/s. Andna dn Suryan, Advocate sr 22790.

C.M.A.No.702 of 2016

BR(CO)
SP(19/08/2020)



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