

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.No.4667 of 2019

V.Vasanth

... Appellant/Petitioner

Vs.

1.D.L.Pathi

2.United India Insurance Co.Ltd.,
Third Party Claims Office,
No.134, Greams Road,
Chennai.

3.Ranjani

... Respondents/Respondents

The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.02.2019 passed in M.C.O.P.No.4382 of 2015 by the Special Sub Court No.1, M.C.O.P. Tribunal, Court of Small Causes, Chennai - 104.

For Appellant : Mr.C.Richard Suresh Kumar

For Respondents-1 & 3 : Exparte

For Respondent-2 : Mr.S.Arunkumar

J U D G M E N T

The present Civil Miscellaneous Appeal is directed against the judgment and decree dated 04.02.2019 passed by the Special Sub Court No.1, M.C.O.P.Tribunal, Court of Small Causes, Chennai in MCOP No.4382 of 2015.

2. The appeal is filed, seeking enhancement of compensation.

3. The Tribunal awarded a total compensation of a sum of Rs.1,43,150/-.

4. The learned counsel appearing on behalf of the appellant mainly contended that on account of the accident, the claimant sustained Fracture of Left Leg, Left Foot, Multiple injury all over the body and the claimant, being an Electrician, is unable to perform his duties in a normal manner. On account of the leg injury, the petitioner is unable to actively perform his job of Electrician. Thus, the compensation awarded by the Tribunal is inadequate.

5. The accident occurred on 23.04.2015 at about 18.15 hrs, Ibrahim Salai, Near Pavalakara Street Junction Chennai. N2 Kasimedu Traffic Investigation registered a case in Crime No.31/N1/2015. The injury cannot be construed as permanent, however, it is partially permanent. The Doctor assessed the disability as 18% and the Tribunal has taken the said assessment and accordingly, calculated the disability and the Tribunal fixed the compensation of a sum of Rs.3,000/- per percentage.

6. This Court is of the considered opinion that the accident took place in the year 2015 and further, the claimant was aged about 34 years at the time of accident and he was doing skilled job of Electrician.

7. This Court is of an opinion that a sum of Rs.4,000/- per percentage would be appropriate and adequate. Thus, this Court is inclined to enhance the disability compensation from Rs.54,000/- to a sum of Rs.72,000/-. The Attender charges of a sum of Rs.6,500/- granted by the Tribunal is enhanced as Rs.10,000/-. In all other heads, the calculation granted by the Tribunal are confirmed and the details of which are given below:-

Rs.	
Loss of Disability	72,000/-
Pain and Sufferings	20,000/-
Transportation	5,000/-
Medical Expenses	1,650/-
Extra Nourishment	15,000/-
Attender Charges	10,000/-
Loss of Earnings	21,000/-
Loss of Future Prospectus	20,000/-

1,64,650/-

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8. Accordingly, the total compensation payable to the appellant/claimant is Rs.1,64,650/- (Rupees One Lakh Sixty Four Thousand Six Hundred and Fifty Only). The 2nd respondent/Insurance Company is directed to deposit the entire award amount along with the interest at the rate of 7.5% per annum, if not already deposited, within a period of six(6) weeks from the date of receipt of a copy of this judgment and on such deposit, the appellant/claimant is permitted to withdraw the entire amount by filing an appropriate application before the Tribunal and the payments are to be made through RTGS.

9. Accordingly, the judgment and decree dated 04.02.2019 passed in M.C.O.P.No.4382/2015 is enhanced and the civil miscellaneous appeal in C.M.A.No.4667 of 2019 stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Special Sub Court No.1,
Motor Accident Claims Tribunal,
Court of Small Causes,
Chennai - 104.

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

+1cc to Mr.S.Arunkumar, Advocate Sr.22959
+1cc to Mr.C.Richard Suresh Kumar, Advocate Sr.23417

C.M.A.No.4667 of 2019

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