

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A.No.792 of 2017

Vediammal

... Appellant/Petitioners

Vs.

1.Ayappa P.Viswanath

2.The Divisional Manager,
National Insurance Company Limited,
No.19, Officers Line,
Vellore.

... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 25.10.2010 and made in M.A.C.T.O.P.No.23/2009 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Tiruvannamalai.

For Appellant : M/s.A.Subadra
For M/s.M.Malar

For Respondents: Mr.D.Bhaskaran
[For R2]

JUDGMENT

This appeal is filed against the judgment and decree dated 25.10.2010 passed in M.A.C.T.O.P. No. 23 of 2009.

2. The claimant preferred the appeal seeking enhancement of compensation. Admittedly, the claimants suffered certain injuries, which is not resulted in permanent disability. With reference to the partial permanent disability, the Tribunal has awarded the compensation of Rs. 80,785/-.

3. The learned counsel appearing on behalf of the appellant mainly contended that the compensation awarded under the head of transportation is inadequate. This apart, the attender charges, pain and sufferings and loss of earning are also not adequately compensated.

4. The claimant was aged about 26 years at the time of accident and she was owning cattles. This apart, she was maintaining the entire family. Under those circumstances, the injury caused partial permanent disability and the petitioner was not in a position to perform her normal duties.

5. The learned counsel appearing on behalf of the respondent disputed the contention by stating that the Tribunal granted adequate compensation by considering the nature of injuries as well as the treatment taken. The Tribunal has granted a sum of Rs.2,000/- for transportation. In view of the fact that the claimant has taken treatment for minor injury the Tribunal has granted a sum of Rs.2,000/-and therefore, the compensation paid is fair and the same required no further interference.

6. This Court is of the considered opinion that the petitioner was taken treatment on several occasions. The quantum of compensation fixed under the heads of extra nourishment, attender charges, pain and sufferings and loss of earning are insufficient. In view of all these factors, the compensation is enhanced as hereunder.

(1) Transportation	Rs. 2,000/-
(2) Extra nourishment	Rs.5,000/-
(3) Attender Charges	Rs.5,000/-
(4) Pain and sufferings	Rs.10,000/-
(5) Loss of earning	Rs.15,000/-
(6) Medical Bills	Rs 785/-
(7) Permanent disability	Rs. 60,000/-
(Rs.2,000X30%)	

Total Rs.97,785/-

7. Thus, the claimant is entitled to get compensation of Rs.97,785/-. The second respondent /insurance company is directed to deposit the entire enhanced compensation along with interest at 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 shall be permitted to withdraw

the said amount by filing an appropriate application and the payments are to be made only through RTGS. The appellant/claimant is liable to pay court fee for the enhanced compensation amount.

8. With this modification, the judgment and decree dated 25.10.2010 passed in M.A.C.T.O.P. No. 23 of 2009 is set aside and this Civil Miscellaneous Appeal stands allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1.The Principal Subordinate Judge,
Motor Accidents Claims Tribunal,
Tiruvannamalai.

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

+1cc to M/s.M.Malar, Advocate Sr.23442

+1cc to Mr.D.Bhaskaran, Advocate Sr.23256

C.M.A.No.792 of 2017

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srg 03/12/2020

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