



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1303 of 2013

Marimuthu

... Appellant/Petitioner

Vs.

1. Vinoj

2. Manoharan

3. The United India Insurance Co Ltd,

Door No.266, Kabila Towers,

2nd Towers, Opposite to Saibaba Kovil,

Mettupalayam Road, Coimbatore.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree order dated 25.11.2009 made in M.C.O.P.No.574 of 2006, on the file of the Motor Accidents Claims Tribunal/ III Additional Sub Court at Coimbatore.

For Appellant : Mr.M.Lokesh for
Mr.Ma.P.Thangavel

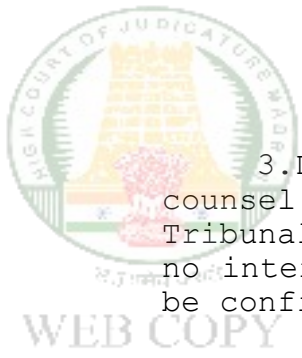
For Respondents : M/s.I.Malar for R3
R1 and R2 No appearance

JUDGMENT

In this appeal, the appellant has sought for enhancement of compensation awarded by the Tribunal in its judgment and decree dated 25.11.2009 in M.C.O.P.No.574 of 2006. The compensation awarded by the Tribunal are detailed below:-

Transportation	Rs. 1,000/-
Extra Nourishment	Rs. 3,000/-
Pain and suffering	Rs. 12,000/-
Loss of Income	Rs. 3,000/-
Permanent Disability	Rs. 22,000/-
Total	Rs. 41,000/-

2.The learned counsel for the appellant submits that the amount of Rs.41,000/- for the injuries suffered by the appellant is low and therefore prays for enhancement of the compensation.



3. Defending the impugned judgment and decree, the learned counsel for the 3rd respondent/Insurance Company submits that the Tribunal has awarded a just compensation and therefore requires no interference. He therefore submits that the award amount may be confirmed and dismissing this appeal.

4. Heard the learned counsel for the appellant and the respondent and perused the impugned judgment and decree and the exhibits that were marked before the Tribunal.

5. It is noticed that the appellant had suffered a fracture in both legs. He was stated to be a merchant in the Flower Bazar, at Parrys Corner. In my view, the Tribunal has by and large awarded compensation on the conventional heads correctly. However, the Tribunal has awarded only a sum of Rs.3000/- towards loss of income for three months and towards injury at 22% at Rs.1,000/-. Considering the nature of injuries suffered by the appellant, I am inclined to partly enhance the compensation towards injuries suffered by the appellant in the impugned order is enhanced to Rs.33,000/-. Considering the nature of injuries suffered by the appellant, there shall be an addition of Rs.18,000 towards loss of income. In the result, the compensation awarded by the Tribunal is enhanced as follows:-

Sl. No.	Heads of Compensation	Amount Awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or reduced or granted or set aside
1.	Transportation	Rs. 1,000/-	Rs. 1,000/-	Confirmed
2.	Extra Nourishment	Rs. 3,000/-	Rs. 3,000/-	Confirmed
3.	Pain and suffering	Rs. 12,000/-	Rs.15,000/-	Enhanced by Rs.3,000/-
4.	Loss of Income	Rs. 3,000/-	Rs.18,000/-	Enhanced by Rs.15,000/-
5.	Permanent Disability	Rs. 22,000/-	Rs.33,000/-	Enhanced by Rs.11,000
	Total	Rs.41,000/-	Rs.70,000/-	Enhanced by Rs.29,000/-



5. In the light of the above, this appeal stands partly allowed by directing the 3rd respondent/Insurance Company to deposit the enhanced amount of compensation of Rs.70,000/- together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of a copy of this Judgment.

6. On such deposit being made by the 3rd respondent/Insurance Company, the appellant/claimant is permitted to withdraw his share together with interest accrued thereon, less any amount already withdrawn, by filing suitable applications before the Tribunal.

7. This Civil Miscellaneous Appeal stands Partly Allowed. No costs.

Sd/-
Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

jas

To:

1. The Motor Accidents Claims Tribunal,
III Additional Sub Court at Coimbatore .
2. The United India Insurance Co Ltd,
Door No.266, Kabila Towers,
2nd Towers, Opposite to Saibaba Kovil,
Mettupalayam Road, Coimbatore.
3. The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.27773

C.M.A.No.1303 of 2013

AK-II(CO)
BE(05/08/2021)