



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2150 of 2015

Sangeetha

.. Appellant/Petitioner

Vs.

1.P.Jayakumar

2.Reliance General Insurance Co. Ltd.,
Old No.15, New No.29, 3rd floor,
North Usman Road,
T.Nagar,
Chennai - 600 017

.. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 19.08.2014 made in M.A.C.T.O.P.No.4768/2012 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant : Mrs.M.Malar
For R1 : Ex-parte
For R2 : Mr. S. Arun Kumar

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the claimant seeking enhancement of compensation under the impugned Award dated 19.08.2014 passed by the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai, in M.A.C.T.O.P.No.4768 of 2012.

2. The brief facts leading to the filing of the appeal are as follows:

(i) On 06.08.2012, at about 9.45 a.m., the appellant was riding TVS Scooty Streak bearing registration No.TN-06-B-0832 from Mylapore to Taj Coramandal Hotel, Nungambakkam. At that time, the share Auto which belongs to the first respondent bearing registration No.TN-22-CZ-4873 and insured with the second respondent came in a rash and negligent manner and dashed against the appellant. As a result, the appellant sustained grievous injuries. Immediately, she was admitted in Meenakshi Speciality Hospital. Due to the accident she had sustained fracture in head of radius, right elbow joint effusion and



multiple injuries all over the body. At the time of the accident, the appellant was aged about 20 years, working as Research Associate by profession, earning about Rs.25,000/- per month.

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(ii) The Appellant / Claimant preferred a claim petition before the Motor Accidents Claims Tribunal in M.A.C.T.O.P.No.4768 of 2012 seeking compensation of Rs.8,00,000/-.

(iii) The Motor Accidents Claims Tribunal, by its Award dated 19.08.2014 in M.A.C.T.O.P.No.4768/2012 directed the second respondent to pay the appellant a sum of Rs.1,29,300/- together with interest at the rate of 7.5%, per annum from the date of petition till the date of realisation.

(iv) Aggrieved by the quantum of compensation awarded by the Tribunal, the appeal has been filed by the appellant seeking enhancement of compensation.

3. Heard, Ms. M. Malar, learned Counsel for the appellant and Mr.S.Arun Kumar, learned counsel for the second respondent.

4. The factum of the accident and manner of the accident and negligence on the part of the driver of the first respondent whose vehicle was insured with the second respondent / Reliance General Insurance are not under challenge and hence, the finding rendered in this regard by the Motor Accident Claims Tribunal are hereby confirmed.

5. On the point of quantum, P.W.2 Doctor, deposed that the victim has sustained partial permanent disability as 25%. On consideration of the evidence of P.W.1 that she had sustained fracture in head of radius, right elbow joint effusion and multiple injuries, the Tribunal has fixed the disability as 20%. Considering the date of accident, during the year 2012, Rs.3000/- is fixed for each percentage of disability. Accordingly, Rs.60,000/- is awarded and hence the compensation under the head disability is enhanced to Rs.60,000/- from 40,000/-. Attendant charges is enhanced from Rs.5000 to Rs.10,000. As per Ex.P8 and Ex.P9 salary of the injured, loss of income is enhanced to Rs.75,000/-.

6. Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,29,300/- to Rs.2,09,300/- the details of which read as follows:

Head	Compensation awarded by the Tribunal (Rs.)	Compensation enhanced by this Court (Rs.)
Disability	40,000/-	60,000/-
Pain and Sufferings	25,000/-	25,000/-



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Head	Compensation awarded by the Tribunal (Rs.)	Compensation enhanced by this Court (Rs.)
Extra Nourishment	15,000/-	15,000/-
Attendant Charges	5,000/-	10,000/-
Transportation	10,000/-	10,000/-
Damages towards clothing	1,000/-	1,000/-
Loss of Income	20,000/-	75,000/-
Medical Bills	13,300/-	13,300/-
Total	1,29,300/-	2,09,300/-

7. Accordingly, the modified compensation of Rs.2,09,300/- is to be paid to the appellant along with the interest @ 7.5 % from the date of claim petition. The second respondent / Reliance General Insurance Company Ltd., is directed to deposit the modified award amount of Rs.2,09,300/- along with the interest, within a period of four weeks, from the date of receipt of copy of the judgment and on such deposit, the appellant-claimant is permitted to withdraw the entire award amount by filing an appropriate application and the payments are to be made through RTGS. Thus, the award dated 19.08.2014, passed in M.A.C.T.O.P.No.4768/2012, stands modified and C.M.A.No.2150/2015 stands allowed in part. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

AT

To

1.The Motor Accidents Claims Tribunal,
IV Court of Small Causes, Chennai.

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

+1cc to Mr.S.Arun Kumar, Advocate, S.R.No.11669

+1cc to Mr.M.Malar, Advocate, S.R.No.11215

C.M.A.No.2150 of 2015

GMR (CO)
GN (27/09/2021)