



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3729 of 2019

T.Vishnu,
S/o.G.Thanickachalam

... Appellant/Petitioner

Vs.

1. Grip Well Tapes Pvt. Ltd.,
No.22/57, Avadi Road,
Konimedu, Redhills,
Chennai - 600 052.

2. ICICI Lombard General Insurance Co. Ltd.,
No.140, Nungambakkam High Road,
2nd Floor, Chottaibobhai Centre,
Chennai - 600 034.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and decree dated 12.09.2018 made in M.C.O.P.No.555 of 2014, on the file of the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondents:

For R1 : No appearance

For R2 : Mr.K.Poomalai

JUDGMENT

The claimant is the appellant in this appeal. In this appeal, the appellant/claimant has sought for enhancement of compensation on the ground that the Tribunal has considered a very low compensation towards injuries suffered by the appellant/claimant.

2. By the impugned Judgement and decree, the Tribunal has awarded a sum of Rs.1,61,000/- as compensation under the following heads:-

Sl. No.	Heads of Compensation	Amount Awarded by the Tribunal
1.	Disability	Rs.60,000/-
2.	Pain and sufferings	Rs.25,000/-



WEB COPY

Sl. No.	Heads of Compensation	Amount Awarded by the Tribunal
3.	Extra Nourishment	Rs.10,000/-
4.	Transport to Hospital	Rs. 5,000/-
5.	Damages to clothes	Rs. 1,000/-
6.	Attender Charges	Rs. 2,400/-
7.	Medical Expenses	Rs.12,124/-
8.	Loss of Income	Rs.36,000/-
9.	Loss of Amenities	Rs.10,000/-
	Total	Rs.1,61,524/- Rounded off to Rs.1,61,600/-

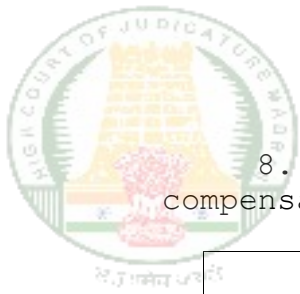
3. The learned counsel for the appellant/claimant submits that the Tribunal has awarded a meagre amount of Rs.36,000/- towards loss of income for a period of three months. i.e., $\text{Rs.12,000} \times 3 = \text{Rs.36,000/-}$. It is further submitted that the Tribunal ought to have awarded some extra amount towards loss of amenities and attender charges.

4. The learned counsel for the 2nd respondent/Insurance Company on the other hand submits that the impugned Judgment and decree passed by the Tribunal is well-reasoned and requires no interference.

5. Heard the learned counsel for the appellant and the 2nd respondent. I have perused the impugned Judgment and decree and the exhibits marked before the Tribunal.

6. In my view, the Tribunal has moreoreless awarded a just compensation considering the injuries suffered by the appellant/claimant.

7. Considering nature of injuries suffered by the appellant/claimant, this Court is inclined to enhance the compensation by fixing the notional income of the appellant/claimant as Rs.16,000/- per month. The nature of injuries would have put him out of action atleast for a period of six months. Considering the same, the compensation awarded by the Tribunal towards loss of income is enhanced to Rs.80,000/-, ($\text{Rs.16,000/-} \times 6 = \text{Rs.80,000/-}$). Therefore, the amount awarded towards attender charges is also enhanced by another sum of Rs.7,600/- and towards loss of amenities is enhanced to Rs.25,000/- by adding another sum of Rs.15,000/-.



8. Therefore, this Court is inclined to enhance the compensation as follows:-

Heads and calculation	Amount
Disability	Rs.75,000/-
Pain & sufferings	Rs.25,000/-
Extra Nourishment	Rs.10,000/-
Transportation Charges	Rs. 5,000/-
Damages to Clothes	Rs. 1,000/-
Attender Charges	Rs.10,000/-
Medical Expenses	Rs.12,124/-
Loss of Income	Rs.80,000/-
Loss of Amenities	Rs.25,000/-
Total	Rs.2,43,124/- Rounded off to Rs.2,43,200/-

9. The 2nd respondent/Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.2,43,200/- 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.

10. On such deposit being made by the 2nd respondent/Insurance Company, the appellant/claimant is permitted to withdraw the same together with interest accrued thereon, less any amount already withdrawn in the same proportion as was ordered by the Tribunal.

11. This Civil Miscellaneous Appeal stands partly allowed with the above observations and directions. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

arb

To:

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

Chennai.



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

+1CC to Mr.K.Poomalai, Advocate SR.No.23980

+2CCs to Mr.V.Mohanchoudary, Advocate SR.No.23981

C.M.A.No.3729 of 2019

PA(CO)
K.RK(08.11.2021)