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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.828 of 2016

J.Narasimamoorthy

...Appellant/Petitioner

Vs

1.P.Purushothaman

(Was set exparte in the Trial Court)

2.Liberty Videocon General Insu. Co. Ltd.,

Anmal Palani, No.88, G.N. Chetty Road,

Level-4, Unit, No.E5 & F5,

T.Nagar, Chennai - 600 017.

...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 02.03.2016 made in MACT.OP.No.911 of 2014 on the file of the IV Judge, Motor Accident Claims Tribunal, (Court of Small Causes), Chennai.

For Appellant : Ms.P.T.Salim Fathima

For Respondents : R1-Exparte
Mr.E.Rajadurai for R2
for Mr.M.B.Raghavan

J U D G M E N T

This appeal has been filed by the claimant seeking for enhancement of compensation under the impugned Award dated 02.03.2016 passed by the Motor Accident Claims Tribunal, (IV Judge, Court of Small Causes), Chennai in M.C.O.P.No.911 of 2014.

2.The Appellant/claimant unsatisfied with the quantum of compensation awarded by the Tribunal has preferred this appeal seeking for enhancement.

3.Heard Ms.P.T.Salim Fathima, learned counsel for the Appellant and Mr.E.Rajadurai, learned counsel for the second respondent. The first respondent has remained exparte both before the Tribunal as well as this Court.



disability compensation calculated at Rs.3,000/- per percentage of disability which is a correct assessment. However, in view of the fact that the disability is enhanced to 20%, the disability compensation awarded by the Tribunal has to be enhanced to Rs.60,000/- calculated at Rs.3,000/- per percentage of disability for the 20% disability instead of Rs.30,000/- calculated at Rs.3,000/- per percentage of disability for the 10% disability.

10. With regard to the quantum of compensation awarded by the Tribunal under various other heads (a) Pain and suffering, (b) Extra nourishment, (c) Transportation, (d) Damage to clothing, (e) Attender charges, (f) Medical expenses, (g) Loss of income and (h) Loss of amenities are concerned, the same is confirmed by this Court as it is a just compensation.

11. For the foregoing reasons, the compensation awarded by the Tribunal at Rs.63,000/- is enhanced to Rs.93,000/- by this Court as detailed hereunder:

Particulars	Award Amount (Rs.)	Enhanced/modified Amount
Disability	Rs.30,000 (10*3,000)	Rs.60,000 (20*3,000)
Pain & suffering	Rs.10,000	Rs.10,000
Extra nourishment	Rs.2,000	Rs.2,000
Transport	Rs.3,000	Rs.3,000
Damage	Rs.1,000	Rs.1,000
Attender charges	Rs.250	Rs.250
Medical expenses	Rs.5,000	Rs.5,000
Loss of Income	Rs.6,500	Rs.6,500
Loss of Amenities	Rs.5,000	Rs.5,000
Total	Rs.62,750	Rs.92,750
Rounded off to	Rs.63,000/-	Rs.93,000/-

12. In the result, the appeal is partly allowed. The second respondent Insurance Company is directed to deposit the modified amount of Rs.93,000/- awarded by this Court together with interest at the rate of 7.5% per annum from the date of claim till the date of deposit after deducting the amount already deposited if any to the credit of MCOP.No.911 of 2014 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall



transfer the amount lying to the credit of MCOP.No.911 of 2014 to the bank account of the Appellant/claimant through RTGS within a period of one week thereafter. No costs.

Sd/-

Deputy Registrar(Lok Adalat)

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Sub Assistant Registrar

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To

1. The IV Judge, Motor Accident Claims Tribunal,
(Court of Small Causes), Chennai

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

+1cc to M/s.Salim Fathima, Advocate, S.R.No.28936

C.M.A.No.828 of 2016

MG(CO)
CB(28/10/2021)