

C.M.A.Nos.1533 and 954 of 2021
and C.M.P.No.8050 of 2021

S.KANNAMMAL,J.

By judgment dated 07.07.2021, this Court allowed the Civil Miscellaneous Appeal in part. Now, this matter is listed before this Court at the instance of the learned counsel appearing for the appellant/ claimant under the caption "For being mentioned".

2. In fact, in paragraph No.11 of the judgment, this Court has categorically observed as follows:

“11.....Further, the claimant was drawing Rs.20,000/- as monthly income, but the Court below fixed only a meagre amount of Rs.10,000/- as notional monthly income, which is not sustainable. Further, the amounts awarded by the Tribunal under all the other heads are very meagre, which needs proper enhancement.

3.Though this Court has observed as above, inadvertently in paragraph No.14, this Court has observed as follows:

“14.....However, this Court finds that no error on the part of the Tribunal in fixing Rs.10,000/- as monthly

income of the claimant. Then, the “Pecuniary Loss” to the claimant would come to Rs.9,36,000/- [10,000 x 12 x 13 x 60/100]. Thus, the sum of Rs.12,48,000/- awarded by the claimant under the head “Pecuniary Loss” is set aside, instead a sum of Rs.9,36,000/- is awarded under such head.

4. This Court, while delivering the judgment, clearly finds that the Tribunal has fixed a sum of Rs.10,000/- as monthly income of the claimant which is low and this Court felt it appropriate to fix the monthly income of the claimant at Rs.12,000/- per month. Then by adding 25% towards future prospects, this Court inclined to enhance the pecuniary loss of the claimant at Rs.14,04,000/- (Rs.12,000/- + Rs.3,000/- (25% of Rs.12,000/-) X 12 X 13 X 60/100). Thus, a sum of Rs.9,36,000/- awarded to the claimant under the pecuniary loss by the Tribunal was set aside instead a sum of Rs.14,04,000/- was awarded under the said head. Further, this Court also modified the award granted under the head of loss of future prospects at Rs.50,000/- as that of under the head of loss of amenities.

5. Accordingly, Para Nos. 14 to 20 of the Judgment dated 07.07.2021 stands deleted and in its place, the following paragraphs are ordered to be substituted:-

"14. As a consequence of the accident, on the right leg below knee guillotine amputation was done to the claimant. Considering the avocation of the claimant and the amputation of the right leg below knee, it is appropriate to fix the percentage of disability at 60%. Since the Tribunal has fixed a sum of Rs.10,000/- as monthly income of the claimant which is lower side, this Court feels it appropriate to fix the same at Rs.12,000/- per month. Then by adding 25% towards future prospects, the pecuniary loss of the claimant has to be assessed at Rs.14,04,000/- (Rs.12,000/- + Rs.3,000/- (25% of Rs.12,000/-) X 12 X 13 X 60/100). Thus, a sum of Rs.9,36,000/- awarded to the claimant under the pecuniary loss is set aside instead of a sum of Rs.14,04,000/- is awarded under the said head.

15. Considering the injuries suffered and the treatment under gone by the claimant, this Court is of the view that the sum of Rs.40,000/- awarded by the Tribunal under the head "Pain and Sufferings" is very meagre and hence, the same is hereby enhanced to Rs.1,00,000/-.

16. Considering the long duration of treatment undergone by the claimant, a sum of Rs.15,000/- is awarded under the head "Transportation" instead of

Rs.5,000/-.

17. Considering the surgery undergone by the petitioner, a sum of Rs.40,000/- is awarded under the head “Extra Nourishment”, instead of Rs.20,000/-. Similarly, a sum of Rs.20,000/- is awarded under the head “Attender Charges”, instead of Rs.8,500/-. The Tribunal awarded a sum of Rs.50,000/- under the head loss of future prospects which in the opinion of this Court shall be awarded under the head of loss of amenities.

18. The amounts awarded by the Tribunal under all the other heads are just and fair and hence, they are confirmed. Thus, the total compensation payable to the claimant is re-calculated and tabulated below:

S. No.	Heads under which amounts are awarded	Amounts awarded by the Tribunal in Rs.	Amounts awarded by this Court in Rs.
1	Pecuniary Loss	12,48,000	14,04,000
2	Pain and sufferings	40000	1,00,000
3	Transportation	5000	15000
4	Medical Expenses	1,39,000	1,39,000
5	Extra Nourishment	20000	40000
6	Attender Charges	8500	20000
7	Loss of amenities	50000	50000
	Total	15,10,500/-	17,68,000

19. Thus, the total compensation of Rs.15,10,500/- awarded by the Tribunal is hereby enhanced to Rs.17,68,000/- (Rupees Seventeen Lakhs and Sixty Eight Thousand Only) which shall carry interest at 7.5% from the date of claim petition till the date of payment. The Insurance Company is directed to deposit the total compensation awarded by this Court before the Tribunal, after adjusting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the entire amount in accordance with law before the Tribunal.

20. With the above observations and directions, CMA.No.1533 of 2021 is dismissed and CMA.No.954 of 2021 is partly allowed. No costs. Consequently, connected petition is closed."

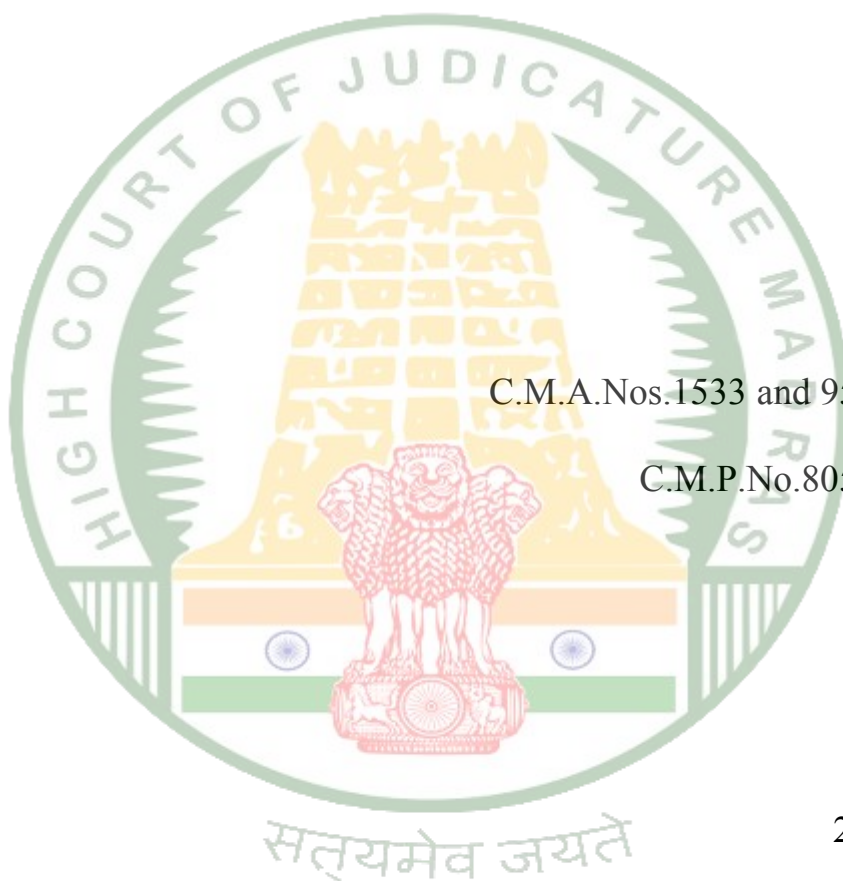
6. Accordingly, paragraphs 14 to 20 of the judgment are hereby modified as indicated above. In all other aspects the judgment dated 07.07.2021 shall remain unaltered.

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23.08.2021

S.KANNAMMAL,J.

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