



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.1372 of 2020

Rajamanickam

.. Appellant/Petitioner

Vs.

1. Karthik
2. Reliance General Insurance Co., Ltd.,
3rd Floor, 408, Perundurai Road,
Erode-638 011.

.. Respondents/ Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree in MCOP No.368 of 2018 dated 04.01.2020 on the file of Motor Accident Claims Tribunal/Special Subordinate Judge Court, Erode.

For Appellant : Mr.T.S.Arthanareeswaran
For Respondents : Mr.C.Bhuvana Sundari (R2)
No appearance (R1)

J U D G M E N T

This Civil Miscellaneous Appeal has been filed for enhancement of compensation granted by the award dated 04.01.2020 made in M.C.O.P.No.368 of 2018 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Erode.

2.The appellant is the claimant in M.C.O.P.No.368 of 2018 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge Court, Erode. He filed the above said claim petition, claiming a sum of Rs.15,00,000/- as compensation on account of the injuries sustained by him in the accident that took place on 31.03.2014.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the rider of the two wheeler motorcycle bearing registration no.TN-33 BE-5582, who is the first respondent herein and directed the 2nd respondent-



Insurance Company to pay a sum of Rs.2,15,000/- as compensation to the appellant.

4. Not being satisfied with the amounts awarded by the Tribunal, the appellant has come out with the present appeal seeking enhancement of compensation.

5. The learned counsel appearing for the appellant contended that the Claims Tribunal had not awarded any compensation towards loss of amenities and future medical expenses by considering the fact that the claimant cannot work as before and could not move without others help and is now taking further treatment. He further submitted that amount of compensation awarded towards other heads are also very low and hence prayed for enhancement of compensation.

6. The learned counsel appearing for the 2nd respondent-Insurance Company submitted that the Claims Tribunal on considering the oral and documentary evidence has rightly awarded the compensation and therefore the same need not be interefered with.

7. Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the 2nd respondent-Insurance Company and perused the entire materials on record.

8. It is the case of the appellant that the Claims Tribunal has not granted compensation towards Loss of Amenities and future medical expenses. Admittedly no Doctor was examined in this case and by considering the Ex.P9-Medical Bills, has rightly awarded a sum of Rs.47,000/- towards Medical Bills and in Ex.P8-Dicharge summary, it is mentioned that the post opertaive period uneventful and considering the same, a sum of Rs.25,000/- is awarded towards Future Medical Expenses. Further, by considering the nature of injuries sustained by the claimant and he due to injuries sustained by him, he could not work as before a sum of Rs.15,000/- is awarded towards Loss of Amenities.

9. Considering the nature of injuries sustained and nature and period of treatment undergone by the claimant, this Court feels that the compensation awarded towards Extra Nourishment, Attendant Charges and Transportation appears to be vey meagre and hence the compensation with respect to the same are enhanced to Rs.15,000/-, Rs.15,000/- and Rs.10,000/- respectively.

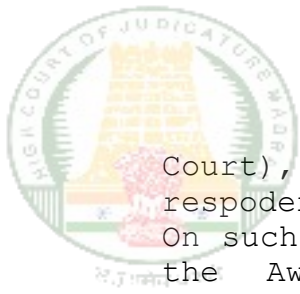
10. The amounts awarded by the Tribunal under other heads are just and reasonable and hence, the same are hereby



confirmed. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of Earnings	45,000/-	45,000/-	Confirmed
2.	Transport to Hospital	6,000/-	10,000/-	Enhanced
3.	Extra nourishment	5,000/-	20,000/-	Enhanced
4.	Attender charges	5,000/-	15,000/-	Enhanced
5.	Future Medical Expenses	Nil	25,000/-	Confirmed
6.	Damages for clothes and Articles	2,000/-	2,000/-	Confirmed
7.	Medical Expenses	47,000/-	47,000/-	Confirmed
8.	Pain and sufferings	45,000/-	45,000/-	Confirmed
9.	Permanent Disability & Loss of Earning Power	60,000/-	60,000/-	Confirmed
10	Loss of Amenities	Nil	15,000/-	Granted
	Total	Rs.2,15,000/-	Rs.2,84,000/-	Enhanced by Rs.69,000/-

11. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.2,15,000/- is hereby enhanced to Rs.2,84,000/- together with interest at the rate of 7.5% per annum from the date of petition till the notice of deposit given to the claimant. The 2nd respondent-Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.368 of 2018 on the file of the Motor Accident Claims Tribunal, (Special Subordinate Judge



Court), Erode and thereafter recover the same from the first respondent, who is the driver cum owner of the offending vehicle. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of two weeks. The appellant is directed to pay the necessary Court fee, if any, on the enhanced compensation No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Motor Accident Claims Tribunal/
Special Subordinate Judge Court,
Erode
2. The Section Officer,
VR Section,
High Court,
Madras.

C.M.A.No.1372 of 2020

PM (CO)
K.RK. (12.11.2021)