



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 16.07.2021	DELIVERED ON: 06.08.2021
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CORAM:

THE HONOURABLE TMT.JUSTICE S.KANNAMMAL

C.M.A.NO.3478 OF 2019

Prakash

.. Appellant/Petitioner

Vs.

1. Jayaraman

2. Branch Manager,
United India Insurance Co. Ltd.,
Thiru Erumbeeswarar Company Limited,
Thiru Erumbeeswarar Nagar,
Thiruverumbur,
Tiruchirapalli 620 013.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 12.12.2018 made in M.C.O.P.No.962 of 2016, on the file of the Sub Court, (Motor Accidents Claims Tribunal), Perambalur.

For Appellant : Mr.C.Vidhusan

For Respondents : Ms.R.Vijayakamala (For R2)



JUDGMENT

(The matter is heard through "Video Conferencing/Hybrid mode")

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This appeal has been filed for enhancement of the compensation granted by the Tribunal in the award dated 12.12.2018 made in M.C.O.P.No.962 of 2016, on the file of the Sub Court, (Motor Accidents Claims Tribunal), Perambalur.

2.The appellant-claimant, filed M.C.O.P.No.962 of 2016, on the file of the Sub Court, (Motor Accidents Claims Tribunal), Perambalur, claiming a sum of Rs.10,00,000/- as compensation for the injuries sustained by him in the accident that took place on 07.07.2016.

3.The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by driver of the Bus owned by the 1st respondent and directed the 2nd respondent-Insurance Company to pay a sum of Rs.2,14,000/- as compensation to the appellant.

4.Not being satisfied with the amounts awarded by the Tribunal in the award dated 12.12.2018 made in M.C.O.P.No.962 of 2016, the appellant has come out with the present appeal.

5.The learned counsel appearing for the appellant contended that at the time of accident, the appellant was aged 19 years and a Student at Engineering College. In the accident, he sustained multiple injuries like Hemorrhagic Contusions over right forehead, sutured wound above left eye, abrasion over nose and swelling over both the shoulders. He has taken in-patient treatment at Government Hospital, Perambalur, then was referred to Government Hospital, Tiruchirappalli and discharged on 08.07.2016 and again admitted at KMC Hospital, Tiruchirappalli and discharged on 14.07.2016. Due to the injuries sustained in the accident, he suffered 30% partial and permanent disability and his future earning capacity is affected. The Tribunal failed to award compensation towards loss of future earning capacity. In any event, the total compensation awarded by the Tribunal under different heads are meagre and prayed for enhancement of the compensation.



WEB GATES

consolidated amount of Rs.10,000/- awarded by the Tribunal towards transportation, nourishing food and miscellaneous expenditure is meagre and hence, a sum of Rs.5,000/- is awarded towards transportation and Rs.10,000/- towards extra nourishment. The Tribunal failed to award any amount towards damage to clothes. Hence, a sum of Rs.2,000/- is awarded towards damage to clothes. The amounts awarded by the Tribunal under different 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.	Transportation, nourishing food and miscellaneous expenditure	10,000/-	5,000/- 10,000/- -	Enhanced
2.	Medical expenses	62,000/-	62,000/-	Confirmed
3.	Disability	90,000/-	90,000/-	Confirmed
4.	Damages for pain, suffering and trauma	25,000/-	25,000/-	Confirmed
5.	Loss of amenities	25,000/-	25,000/-	Confirmed
6.	Attendant charges	2,000/-	2,000/-	Confirmed
7.	Damage to clothes	-	2,000/-	Granted
	Total	2,14,000/-	2,21,000/-	Enhanced by Rs.7,000/- -



9. In the result, the appeal is partly allowed and the amount awarded by the Tribunal at Rs.2,14,000/- is enhanced to Rs.2,21,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 2nd respondent-Insurance Company is directed to deposit the award amount, now determined by this Court, along with interest and costs, within a period of twelve weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P. No.962 of 2016. On such deposit, the appellant is permitted to withdraw the award amount, now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal. No costs.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

gsa

To

The Subordinate Judge,
The Subordinate Court,
(Motor Accident Claims Tribunal),
Perambalur.

Copy To

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

C.M.A.No.3478 of 2019

SRA(CO)
RLP(28/09/2021)