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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1591 of 2020

Radhika,
W/o.K.Kumar

... Appellant

Vs.

1.M/s.Fastronic Services,
No.153, 1st Floor, Luz Church Road,
Mylapore, Chennai - 600 004.
2.Reliance General Insurance Co. Ltd.,
Rai s Towers, 2nd Floor, Plot No.2054,
2nd Avenue, Anna Nagar,
Chennai - 600 040.

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 06.02.2020 made in M.C.O.P.No.2670 of 2014 on the file of the Motor Accidents Claims Tribunal (Special Sub Court No.2, Motor Accidents Claims Tribunal, Court of Small Causes), Chennai.

For Appellant : Mr.Amar Dineshbhai Pandiya

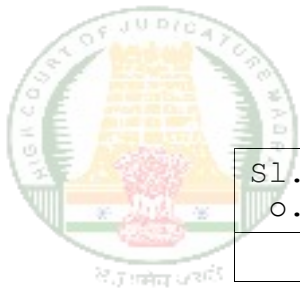
For R2 : Ms.C.Bhuvanasundari

JUDGMENT

The claimant is the appellant in this appeal and has filed this appeal for enhancement of compensation.

2. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.75,000/- under the following heads:-

Sl.No.	Heads of Compensation	Amount Awarded by the Tribunal
1.	Permanent Disability	Rs.18,000/-
2.	Pain and Sufferings	Rs.11,000/-
3.	Transportation Charges	Rs. 5,000/-
4.	Extra Nourishment	Rs. 6,000/-
5.	Attender Charges	Rs. 5,000/-
6.	Loss of Income	Rs.30,000/-



Sl.N o.	Heads of Compensation	Amount Awarded by the Tribunal
	Total	Rs.75,000/-

3. The learned counsel for the appellant/claimant submits that the Tribunal ought to have awarded higher amount towards permanent disability and towards loss of income.

4. The learned counsel for the 2nd respondent/Insurance Company submits that the amount of compensation awarded by the Tribunal is well-reasoned and requires no interference and prays for dismissal of this appeal.

5. I have considered the arguments advanced by the learned counsel for the appellant and the 2nd respondent, perused the impugned Judgment and decree and the exhibits that were marked before the Tribunal.

6. In my view, the Tribunal has by and large awarded a just compensation to the appellant/claimant. However, it has restricted the loss of income only for three months (i.e., Rs.10,000/- x 3 = Rs.30,000/-)

7. In my view, considering the nature of injuries and the avocation of the appellant/claimant, it would be fair to assume that the appellant/claimant would have out of work for atleast six months and was recuperating from the injury.

8. Under these circumstances, this Court is inclined to enhance the compensation by fixing the monthly income of the appellant/claimant as Rs.10,000/- per month. Thus, the amount of compensation awarded by the Tribunal towards loss of income is enhanced to Rs.60,000/- (Rs.10,000/-x6 = Rs.60,000/-). The amounts awarded by the Tribunal under other heads are just and reasonable, and therefore they are confirmed.

9. In the result, the total amount of compensation awarded by the Tribunal is re-computed as follows:-

Sl.N o.	Heads and Calculation	Amount
1.	Permanent Disability	Rs.18,000/-
2.	Pain and Sufferings	Rs.11,000/-
3.	Transportation Charges	Rs. 5,000/-
4.	Extra Nourishment	Rs. 6,000/-
5.	Attender Charges	Rs. 5,000/-
6.	Loss of Income	Rs.60,000/-
	Total	Rs.1,05,000/-



10. The 2nd respondent/Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.1,05,000/- 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.

11. 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.

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

Sd/-
Deputy Registrar (Spl.Cell-CJ Conf)

//True copy//

Sub Assistant Registrar

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To:

1.The Motor Accidents Claims Tribunal,
Special Sub Court No.2, Court of Small Causes,
Chennai.

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

+1cc to Mr.S.Ravi Kumar, Advocate SR.No.24591

C.M.A.No.1591 of 2020

SSN(CO)
GMY(08/11/2021)