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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.3071 of 2014

B.Vinod Kumar

.. Appellant/Petitioner

Vs.

1. B.Dhamodaran

2. Royal Sundaram Alliance Ins. Co. Ltd.,
No.3, 2nd Floor, Khader Nawaz Khan Road,
Nungambakkam, Chennai - 600 006.

.. Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to set aside the order and decree dated 01.02.2014, made in M.C.O.P.No.1004 of 2011, on the file of the Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai.

For Appellant : Ms.K.Vasanthala Mala
for Mr.UM.Ravichandran

For Respondent 2 : Mr.E.Rajadurai
for Mr.N.Vijayaraghavan

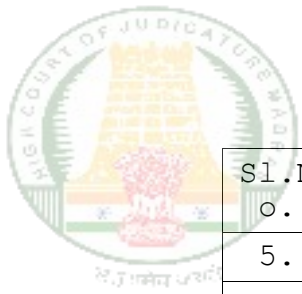
J U D G M E N T

(The case has been heard through video conference)

This appeal has been filed by the claimant seeking enhancement of compensation under the impugned Award dated 01.02.2014, passed by the Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai in M.C.O.P.No.1004 of 2011.

2. The appellant/claimant not satisfied with the quantum of compensation awarded by the Tribunal has preferred this appeal seeking for enhancement. The details of the compensation awarded by the Tribunal under the impugned Award are as follows:

Sl.N o.	Heads	Amount in Rs.
1.	Transportation	10,000
2.	Extra nourishment	10,000
3.	Medical expenses	1,99,529
4.	Loss of amenities	50,000



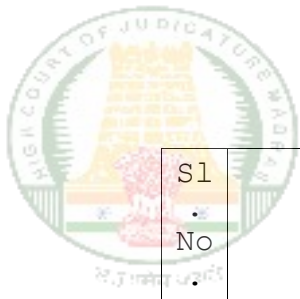
Sl.N o.	Heads	Amount in Rs.
5.	Loss of future prospects	1,00,000
6.	Loss of marital & social status	1,00,000
7.	Mental agony	20,000
8.	Pain and sufferings	75,000
9.	Disability	8,06,400
	Total	13,70,929

3. The main grievance of the appellant/claimant is that though medical bills to an extent of Rs.9,11,691/- were filed and which were also marked as Ex.P6, the Tribunal erroneously awarded only a meager compensation of Rs.1,99,529/- on the ground that the appellant/claimant has not produced proof for having made the payment for the said medical bills.

4. Today, the learned counsel appearing for the appellant/claimant has produced the original medical bills, which have been verified by the learned counsel appearing for the second respondent insurance company and he would fairly concede that out of the total bills of Rs.9,11,691/- the appellant/claimant is entitled for Rs.6,80,129/-. The learned counsel for the appellant/claimant is also satisfied if this Court enhances the compensation towards medical expenses from Rs.1,99,529/- to Rs.6,80,129 and this Court enhances the compensation towards medical expenses to Rs.6,80,129/- instead of Rs.1,99,529/- erroneously awarded by the Tribunal.

5. In so far as the compensation awarded by the Tribunal under various other heads namely Transportation expenses at Rs.10,000/-, Extra nourishment at Rs.10,000/-, Loss of amenities at Rs.50,000/-, loss of future prospects at Rs.1,00,000/-, loss of marital and social status at Rs.1,00,000/-, mental agony at Rs.20,000/-, pain and sufferings at Rs.75,000/- and towards disability at Rs.8,06,400/- is concerned, this Court is of the considered view that the compensation awarded by the Tribunal under those heads is a just compensation. The learned counsel appearing for the appellant/claimant has also not raised any serious objections for the said assessment made by the Tribunal. Therefore, the compensation awarded by the Tribunal under those heads are confirmed by this Court.

6. For the foregoing reasons, the compensation awarded by the Tribunal under the impugned Award is enhanced to Rs.18,51,529/- instead of Rs.13,70,929/- awarded by the Tribunal. The details of the compensation now awarded by this Court is detailed hereunder:



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Sl No	Description	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or set aside or granted or reduced (Rs.)
1.	Transportation	10,000	10,000	Confirmed
2.	Extra nourishment	10,000	10,000	Confirmed
3.	Medical expenses	1,99,529	6,80,129	Enhanced
4.	Loss of amenities	50,000	50,000	Confirmed
5.	Loss of future prospects	1,00,000	1,00,000	Confirmed
6.	Loss of marital & social status	1,00,000	1,00,000	Confirmed
7.	Mental agony	20,000	20,000	Confirmed
8.	Pain and sufferings	75,000	75,000	Confirmed
9.	Disability @ 70%	8,06,400	8,06,400	Confirmed
	Total	13,70,929	18,51,529	Enhanced by Rs.4,80,600/-

7. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.13,70,929/- awarded by the Tribunal is hereby enhanced to Rs.18,51,529/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. The second respondent / insurance company is directed to deposit the enhanced award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.1004 of 2011, on the file of the Motor Accidents Claims Tribunal, IV Judge, Small Causes Court, Chennai. On such deposit, the appellant/claimant is permitted to withdraw the award amount now determined by this Court, along with interest and costs, less the amount, if any, already withdrawn by making necessary application before the Tribunal. The appellant/claimant is directed to pay necessary Court fee, if any, on the enhanced compensation now determined by this Court. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar



To

1. The Motor Accidents Claims Tribunal,
IV Judge, Small Causes Court, Chennai.

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

+1cc to Mr.UM.Ravichandran, Advocate SR.No.55333

C.M.A.No.3071 of 2014

CP(CO)
GMY(15/11/2021)