



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.1696 OF 2020

Saravanan

... Appellant/Claimant

.Vs.

1. M.Hanif Khan

2. The Divisional Manager,
United India Insurance Co.Ltd.,
Third Party Service Hub,
Plot No.35, 36, 37,
A.R.Plaza, 45 Feet Road,
Balaji Nagar Extension,
Saram, Puducherry - 605 011.

... Respondents/Respondents

PRAYER:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to set aside the Judgment and Decree dated 23.07.2020, made in M.C.O.P.No.2400 of 2016, on the file of the Motor Accidents Claims Tribunal, I Additional Subordinate Court, Cuddalore by enhancing the award amount.

For Appellant : Mrs.Ramya V.Rao

For Respondent 2 : Mr.S.Arunkumar

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 23.07.2020, passed by the Motor Accidents Claims Tribunal, I Additional Subordinate Court, Cuddalore in M.C.O.P.No.2400 of 2016.



2. The appellant not satisfied with the quantum of compensation awarded by the Tribunal has preferred this appeal seeking for enhancement. The Tribunal under the impugned award has awarded a lump sum compensation of Rs.40,000/- to the appellant/claimant for the following injuries sustained by him:

- (a) Blunt trauma abdomen/Hem peritoneum,
- (b) Traumatic brain injury sequel S/P Decompressive Craniotomy,
- (c) Fracture right clavicle and
- (d) Fracture of right tibia.

3. The Medical Board after examination of the appellant/claimant has issued a certificate confirming that the appellant/claimant has not suffered any disability. Admittedly, the appellant/claimant has been hospitalized for seven days, which is not disputed by the second respondent as seen from the evidence available on record. After giving due consideration to the report submitted by the Medical Board, the Tribunal has awarded compensation of Rs.40,000/-. Since the appellant/claimant was hospitalized for a period of seven days and having sustained abdominal injury, this Court is of the considered view that the compensation will have to be enhanced by awarding another sum of Rs.20,000/-. Accordingly, the compensation awarded by the Tribunal is enhanced to Rs.60,000/- by this Court.

4. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.40,000/- awarded by the Tribunal is hereby enhanced to Rs.60,000/- 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.2400 of 2016, on the file of the Motor Accident Claims Tribunal, I Additional Subordinate Court, Cuddalore. 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.

WEB COPY

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kk

To

1. The Motor Accident Claims Tribunal,
I Additional Subordinate Court,
Cuddalore.
2. The Section Officer,
V.R. Section,
High Court, Madras.

+2ccs to Mrs.Ramya V.Rao, Advocate, S.R.No.53326
+1cc to Mr.S.Arunkumar, Advocate, S.R.No.52843

C.M.A.NO.1696 OF 2020

RSV(CO)
PBS/19/11/2021