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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1829 of 2020

(Through Video Conferencing)

Chandirapriya

... Appellant/ Petitioner

Vs.

1.G.Mohan

(Since R1 remained exparte his
presence may be dispensed with)

2.The Oriental Insurance Company Limited,
No.115/116, Second Floor,
Oriental House,
Prakasam Salai, Broadway,
Chennai - 600 108.

... Respondents/ Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award and decree dated 20.11.2019 made in M.A.C.T.O.P.No.4093 of 2017, on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai.

For Appellant : M/s.A.Subadra

For R2 : Mr.D.Bhaskaran

R1 : Exparte & d/w

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the claimant for the enhancement of compensation awarded by the Tribunal in the impugned judgment and decree dated 20.11.2019 in MACTOP.No.4093 of 2017.

2. In this appeal, the learned counsel for the appellant has questioned the compensation awarded by the Tribunal by awarding the loss of income only for a period of two months, even though the evidence on record in Ex.P.5 would indicate the loss of income for seven months and there was no credit of income to the appellant. It is further submitted that the Tribunal has not awarded any amount towards loss of treatment and towards attendant charges.

3. Defending the impugned judgment and decree, the learned



counsel for the second respondent submits that the impugned judgment is well reasoned and requires no interference and prays for the dismissal of appeal.

4. Heard the learned counsel for the appellant and the learned counsel for the second respondent and perused the impugned judgment and decree.

5. Considering the evidence on record, there is no dispute in the nature of the injury suffered by the appellant. The appellant sustained injuries on head viz., left temporal contusion with subdural edema and there is no permanent disability. Nevertheless, there is no compensation for the injuries suffered by the appellant.

6. In my view, the compensation awarded by the Tribunal towards injury (disability at Rs.24,000/-) is reasonable. That apart, the Tribunal has awarded a sum of Rs.48,442/- towards loss of earning and towards loss of future prospects (Rs.28442 + 20000).

7. In my view, it is fair to conclude that the appellant would have worked atleast for six months. The claimant's monthly income is Rs.14,221/-. Therefore the consolidated amount of Rs.50,000/- is added towards loss of earning and under other miscellaneous heads including expenses which the appellant would have incurred, while undergoing treatment.

8. In the result, the total compensation is enhanced by another sum of Rs.50,000/-. The other heads of the compensation are confirmed.

9. The second respondent is therefore, directed to deposit the enhanced compensation of Rs.50,000/- together with interest, less any amount already deposited before the Motor Accidents Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the appellant is entitled to file an appropriate application for payment of cost.

10. Accordingly, this Civil Miscellaneous Petition is partly allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



drl

To:

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

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

+1cc to Ms.M.Malar, Advocate, S.R.No.24623

C.M.A.No.1829 of 2020

BR(CO)
SB(22/11/2021)