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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No. 2924 of 2021

Najurdeen

...Appellant/Petitioner

Vs.

1. R. Ravi

2. The Manager,
M/s. National Insurance Company Ltd,
West Car Street,
Chidambaram.

...Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 challenging the Judgment and decree dated 06.08.2019 made in M.C.O.P. No.67 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Judge, Chidambaram.

For Appellant : Mr.T.Gobinath

For Respondents : Mr.J.Chandranfor R2

JUDGMENT

This appeal has been filed by the claimant seeking enhancement of compensation under the impugned award dated 06.08.2019 passed by the Motor Accident Claims Tribunal, Sub Court at Chidambaram in MCOP No.67 of 2014.

2. The appellant / claimant unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award has preferred this appeal seeking for enhancement.

3. The details of compensation awarded by the Tribunal under the impugned award are as follows:



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Heads	Amount awarded by the Tribunal (Rs.)
Loss of income Rs.6,500 x 3	19,500
Transportation	5,000
Extra nourishment	10,000
Medical expenses	2,500
Other expenses	5,000
Pain and sufferings	25,000
Partial disability at 20%	60,000
Total	1,27,000

4. Heard Mr.T. Gobinath, learned counsel for the appellant and Mr.J.Chandran, learned counsel for the second respondent / Insurance Company.

5. This Court has perused the materials and evidence available on record before the Tribunal.

6. The appellant / claimant sustained Tibia and Fibula fracture and was hospitalised for a period of 15 days. The nature of injuries sustained by the appellant / claimant as well as the period of his hospitalisation has not been disputed by the respondents. The Doctor has assessed the disability of the appellant / claimant at 20% and the Tribunal has awarded a disability compensation of Rs.60,000/- calculated at Rs.3,000/- per percentage of disability for the 20% disability suffered by the appellant / claimant. After giving due consideration to the nature of injuries sustained by the appellant / claimant and the period of his hospitalisation as well as the year of the accident, which happened in the year 2013, this Court is of the considered view that the disability compensation assessed by the Tribunal at Rs.60,000/- is a correct assessment and therefore, the same is confirmed by this Court.

7. Insofar as the compensation awarded by the Tribunal towards loss of income during the period of the appellant / claimant's treatment at Rs.19,500/- calculated at Rs.6,500/- p.m., for a period of three months is concerned, the same will have to be enhanced as the notional monthly income of the appellant / claimant fixed at Rs.6,500/- by the Tribunal is low and it has to be enhanced to Rs.10,000/-. Since the notional monthly income is enhanced to Rs.10,000/-, the loss of income for the appellant / claimant towards his treatment period is enhanced to Rs.30,000/-, calculated at Rs.10,000/-p.m., for a



period of three months.

8. The Tribunal has awarded a compensation of Rs.5,000/- towards transportation; Rs.10,000/- towards extra nourishment; Rs.5,000/- towards attender charges and Rs.25,000/- towards pain and suffering, which in the considered view of this Court is low and it has to be enhanced to Rs.10,000/-, Rs.20,000/-, Rs.15,000/- and Rs.40,000/- respectively.

9. Insofar as the compensation awarded by the Tribunal towards medical bills at Rs.2,500/- is concerned, the same are supported by bills and only in accordance with the said bills the same was fixed by the Tribunal and therefore, there is no scope for any enhancement under the said head. This Court, therefore, confirms the compensation towards medical bills at Rs.2,500/- as fixed by the Tribunal.

10. The Tribunal has erroneously failed to award any compensation towards amenities which the appellant / claimant is legally entitled to. This Court therefore awards a compensation of Rs.10,000/- towards loss of amenities to the appellant / claimant.

11. For the foregoing reasons, the award of the Tribunal is hereby enhanced in the following manner :

Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)
Loss of income *Rs.6,500 x 3 #Rs.10,000 x 3	19500 *	30000 #
Transportation	5000	10000
Extra nourishment	10000	20000
Medical bills	2500	2500
Other expenses	5000	15000
Pain and sufferings	25000	40000
Partial disability at 20%	60000	60000
Loss of amenities	-	10000
Total	127000	187500

12. In the result, the appeal filed by the appellant / claimant, stands partly allowed by enhancing the compensation from Rs.1,27,000/- to Rs.1,87,500/-, as indicated above. No costs.



13. The second respondent / Insurance Company is directed to deposit the entire award amount as assessed by this Court together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of MCOP No. 67 of 2014 on the file of the Motor Accident Claims Tribunal, Sub Judge, Chidambaram, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the appellant / claimant through RTGS, within a period of two weeks thereafter. Necessary Court fee, if any has to be paid by the appellant / claimant before receiving the copy of this Judgment.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ab/vsi2

To

1. The Sub Judge,
Motor Accident Claims Tribunal,
Chidambaram.

2. The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.J.Chandran, Advocate, S.R.No.53101

+1cc to Mr.T.Gobinath, Advocate, S.R.No.53373

CMA.No.2924 of 2021

RLD(CO)
RGA(23/11/2021)