



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021
CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.4302 of 2019
(Through Video Conferencing)

Gunasekaran ...Appellant/Petitioner
Vs.

1.Anandhababu

2.National Insurance Company Limited,
II Floor, 81-D, Chetty Street,
Opp: Bus Stand, Tiruchengode Taluk,
Namakkal District. ...Respondents/Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 07.02.2019 made in M.C.O.P.No.129 of 2015, on the file of the Motor Accident Claims Tribunal, Subordinate Judge Court, Tiruchengode.

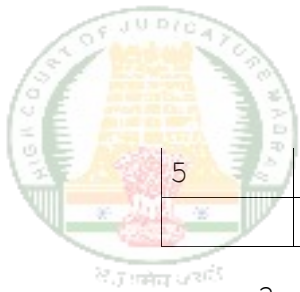
For Appellant : Mr.T.S.Arthanareeswaran
For R1 : No Appearance
For R2 : M/s.N.B.Surekha

JUDGMENT

This Civil Miscellaneous Appeal has been filed for the enhancement of compensation awarded by the Tribunal by the impugned judgment and decree dated 07.02.2019 in MCOP.No.129 of 2015 on the file of the Motor Accident Claims Tribunal/Subordinate Judge Court, Tiruchengode.

2. The Tribunal has awarded a sum of Rs.1,10,664/- as compensation under the following heads:

S.No.	Heads of compensation	Amount awarded by the Tribunal
1	Permanent Disability for 20 per percentage of Rs.3,000	Rs.60,000/-
2	Medical Expenses	Rs.1,664/-
3	Pain and suffering	Rs.25,000/-
4	Extra Nourishment	Rs.10,000/-



5	Loss of Income for 2 months	Rs.14,000/-
	Total	Rs.1,10,664/-

3. The learned counsel for the appellant has submitted that the Tribunal has awarded very meager amount under various heads as compensation. The Tribunal ought to have applied multiplier and awarded further amount towards loss of income during the period when the appellant was suffering from injuries.

4. Heard the learned counsel for the appellant and the learned counsel for the respondent and perused the impugned judgment and decree and exhibits marked before the Tribunal.

5. In my view, by and large the Tribunal has awarded a fair compensation to the appellant except the head "loss of income" for the period during which the appellant was under treatment for the injuries suffered. The Tribunal has awarded Rs.7,000/- as monthly income for the appellant and it could not be disturbed. The Tribunal has awarded only two months income towards loss of income. In my view, it would be just and proper to enhance the above said compensation for a period of six months. Thus, the amount of Rs.14,000/- awarded by the Tribunal under the head "loss of income" is enhanced to Rs.42,000/-. (Rs.7,000 x 6). The compensation awarded under other heads are confirmed.

6. Accordingly, the compensation is enhanced by another sum of Rs.28,000/- (Rs.42,000/- - Rs.14,000/-). The 2nd respondent is therefore directed to deposit a sum of Rs.1,38,664 (Rs.1,10,664 + Rs.28,000) together with interest, less any amount already deposited to the credit of MCOP No.129 of 2015 before the Motor Accidents Claims Tribunal, Sub Court, Tiruchengode, within a period of six weeks from the date of receipt of a copy of this order.

7. On such deposit, the appellant/claimant is permitted to withdraw the aforesaid amount of compensation, less any amount already withdrawn, by filing suitable application before the Tribunal.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar



To:

1.The Motor Accidents Claims Tribunal,
Subordinate Judge Court, Tiruchengode.

+1 CC to Ms.N.B. Surekha, Advocate sr 24826.

C.M.A.No.4302 of 2019

PVS (CO)
SP(21/09/2021)