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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.NO.3846 OF 2019

Patchaiappan
S/o.Kathamuthu

... Petitioner / Appellant

Vs.

1. Senthamiz Selvan
S/o.Dhandapani S.I.

2. The Divisional Manager
New India Assurance Co. Ltd.
No.179, 3rd Floor, Jawaharlal Nehru Street,
Puducherry

... Respondents / Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Decree and Judgment dated 24.08.2018 made in M.A.C.T.O.P.No.867 of 2017 on the file of the Motor Accident Claims Tribunal, Additional Sub Judge, Puducherry.

For Petitioner	: Mr.T.Ananthasekar
For Respondent-1	: NA
For Respondent-2	: Mr.G.Anandan

JUDGMENT

The claimant is the appellant in this appeal. He has filed this appeal for enhancement of compensation awarded by the tribunal by its impugned Judgement and decree dated 24.08.2018 in M.A.C.T.O.P NO.867 of 2017.



2. The appellant/claimant has been awarded a total sum of Rs.4,71,072/- as compensation as detailed below:-

S.No.	Heads of Compensation	Amount Awarded by the Tribunal
1	Pain and Sufferings	Rs.60,000/-
2	Medical Expenses	Rs.3,06,072/-
3	Loss of Income	---
4	Rich and nutritious food	Rs.25,000/-
5	Attender charges	Rs.10,000/-
6	Transport expenses	Rs.10,000/-
7	Permanent disability	Rs.60,000/-
	Total	Rs.4,71,072/-

3. The learned Counsel for the appellant/claimant submits that the tribunal ought to have awarded slightly higher compensation towards attender charges, transportation expenses, permanent disability and ought to have awarded amount towards loss of amenities. He further submits that out of Rs.4,71,072/-, the major junk of the compensation towards medical expenses which is Rs.3,06,372/-. Therefore, the tribunal ought to have considered and awarded amount towards future expenses.

4. Defending the impugned Judgment and decree, the learned Counsel for the 2nd respondent/Insurance Company submits that the tribunal has awarded Just compensation and therefore, the award amount may be confirmed by dismissing the appeal.

5. I have heard the arguments advanced by the learned counsels appearing for the petitioner as well as the 2nd respondent/Insurance Company and perused the exhibits which came to be marked before the tribunal.

6. In my view, the tribunal has by and large awarded a Just compensation to the appellant/claimant. However, there shall be a partial enhancement of the compensation towards attender charges and transportation charges by a total sum of Rs.10,000/- (Rs.5,000/- each).



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7. Similarly, towards permanent disability i.e. Injury, a further sum of Rs.20,000/- is awarded and a further sum of Rs.20,000/- towards loss of amenities is awarded considering the nature of injuries suffered by the appellant/claimant. The amount of expenses incurred by the appellant towards medical treatment amounting to Rs.3,06,072/- is confirmed.

8. In the result, the award amount is enhanced by a sum of Rs.50,000/- as follows:-

S.No.	Heads of Compensation	Amount Awarded by the Tribunal
1	Pain and Sufferings	Rs.60,000/-
2	Medical Expenses	Rs.3,06,072/-
4	Rich and nutritious food	Rs.25,000/-
5	Attender charges	Rs.15,000/-
6	Transport expenses	Rs.15,000/-
7	Permanent disability	Rs.80,000/-
8	Loss of amenities	Rs.20,000/-
	Total	Rs.5,21,072/-

9. The 2nd respondent/Insurance Company is therefore directed to deposit the enhanced amount of compensation of Rs.5,21,072/- together with interest at 7.5% per annum from the date of numbering of the claim petition till the date of such deposit, except the period of delay in filing this appeal, less any amount already deposited by it, within a period of six weeks from the date of receipt of a copy of this Judgment.

10. On such deposit being made by the 2nd respondent/Insurance Company, the appellant/claimant is permitted to withdraw the amount together with interest accrued thereon, less any amount already withdrawn, by filing appropriate application before the Tribunal.

11. It is noticed that this Civil Miscellaneous Appeal has been filed belatedly with delay of 265 days. Therefore, no interest shall be paid on the enhanced amount of compensation during the delay of 265 days alone.



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12.This Civil Miscellaneous Appeal stands Partly Allowed with the above observations. No costs.

Sd/-

Assistant Registrar(ADMN III)

// True Copy //

Sub Assistant Registrar

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To:

The Motor Accident Claims Tribunal,
Additional Sub Judge, Puducherry.

Copy To

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

+1cc to Mr.T.Ananthasekar, Advocate, S.R.No.28574

+1cc to Mr.G.Anandan, Advocate, S.R.No.28572

C.M.A.No.3846 of 2019

VSN-II(CO)

RLP(12/11/2021)