



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

C.M.A. (MD)No.534 of 2021

Arun Prasanth

S/o.Vivekanandan

: Appellant/Petitioner

Vs.

1.Srinivasan,

S/o.Palani

2.The New India Assurance Company Limited,

Through its Branch Manager,

No.136, M.B.T. Road, Navalpur,

Ranipet-632 402

: Respondents/ Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award amount in M.C.O.P.No.146 Of 2017 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge) (Dealing with M.C.O.P. Cases), Tirunelveli, dated 30.09.2020.

For Appellant

: Mr.T.Selvakumaran

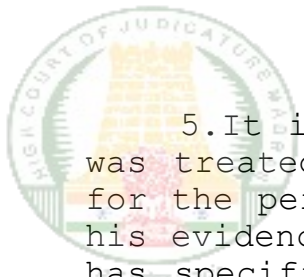
J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.146 Of 2017, dated 30.09.2020 on the file of the Motor Accident Claims Tribunal/ Special Sub Judge, Tirunelveli.

2.The appellant/claimant, who was awarded with compensation of Rs.4,72,428/- with interest at 7.5% per annum for the disability suffered consequent to an accident occurred on 12.01.2017, challenged the quantum of compensation awarded at by the Tribunal and claimed enhancement of the same.

3.The Tribunal, upon considering the evidence both oral and documentary, has awarded a sum of Rs.4,72,428/- as compensation with interest at 7.5% per annum.

4.The learned counsel for the appellant would submit that though the disability was fixed at 27.7%, the injured has suffered a lot and he has to suffer pain life long, that awarding of Rs.4,000/-, per percentage of disability is not sufficient and that the Tribunal ought to have granted Rs.5,00,000/- for the disability and sufferings.



5.It is evident from Ex.P.3 discharge summary that the injured was treated as inpatient in MIOT International Hospital at Chennai for the period between 12.01.2017 and 21.01.2017. P.W.2 (Doctor) in his evidence as well as in the Disability Certificate under Ex.P.9, has specifically stated that the fractures suffered by the injured on his left leg was treated by closed I.M. Nailing, that his fracture got united and that since he has difficulty in squatting and that his left ring finger grip strength is reduced, he has fixed the partial permanent disability at 27.7%. Considering the above, the Tribunal has rightly awarded Rs.4,000/- per percentage of disability and granted Rs.1,10,800/- as compensation for disability.

6.The learned counsel for the appellant would further submit that the learned Tribunal ought to have awarded Rs.1,00,000/- for the loss of amenities; Rs.50,000/- towards extra nourishment; Rs.15,000/- towards transportation; Rs.25,000/- for attendant charges and Rs.1,00,000/- for pain and sufferings.

7.Considering the nature of injuries suffered and the consequent disability and also the period of treatment, the learned Tribunal has rightly awarded Rs.25,000/- towards pain and sufferings; Rs.25,000/- towards extra nourishment; Rs.20,000/- towards loss of convenience; Rs.10,000/-towards loss of income; Rs.5,000/-towards transportation and Rs.3,000/- towards attendant charges, apart from granting medical expenses at Rs.2,73,623/- as per the bills, totally at Rs.4,72,428/-. The amount awarded by the Tribunal under the various heads are reasonable and the same cannot be found fault with. Hence, this Court decides that there is no infirmity in the impugned award and the same is liable to be sustained. Consequently, this Court concludes that the Civil Miscellaneous Appeal is devoid of merits and is liable to be dismissed.

8.In the result, the Civil Miscellaneous Appeal is dismissed.
No Costs.

Sd/-

Assistant Registrar (CO)

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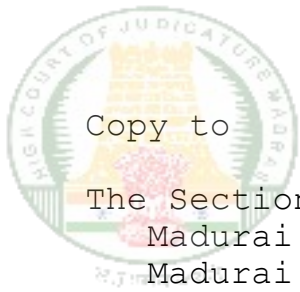
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Sub Assistant Registrar(CS)

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To

1. The Motor Accident Claims Tribunal,
(Special Sub Judge) (Dealing with M.C.O.P. Cases),
Tirunelveli.



Copy to

The Section Officer, (V.R. Section) (2C)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-19970[F] dated 23/06/2021
)

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21.06.2021

SSS (CO)
KB (09.07.2021) 3P 5C