



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.A. (MD) .No.305 of 2020

WEB COPY

K.Rameshkumar

... Appellant/Petitioner

Vs.

1.K.J.R.Jayaramaraja

2.The Oriental Insurance Company Limited,
Branch Office,
D.No.1548, Tenkasi Road,
Rajapalayam 626 117,
Virudhunagar District,
through its Branch Manager,
(the first respondent was set ex-parte
before the Tribunal and hence he was
given up).

... Respondents/Respondents

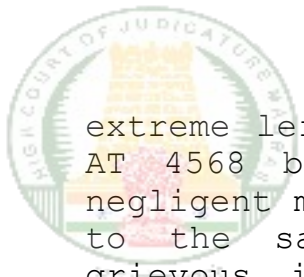
PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act 1988, against the judgment and decree made in M.C.O.P.No.279 of 2017 on the file of the Motor Accident Claims Tribunal Authority (Special Sub Judge), Tirunelveli, dated 09.12.2019 and to set aside the judgment and award consequently enhance the compensation.

For Appellant	:	Mr.V.Sasikumar
For R2	:	Mr.E.Chandrasekaran
R1	:	Ex-Parte

J U D G M E N T

The appellant/claimant has filed this appeal to enhance the award amount granted in M.C.O.P.No.279 of 2017, on the ground that some of the medical bills are not added in the award amount, loss of marital status also not included in the award amount and for attendant charges only Rs.10,000/- was awarded, but through out the life without any help the claimant cannot move. The Insurance Company has not filed any appeal against the award.

2. The appellant/claimant has filed M.C.O.P.No.279 of 2017 before the Motor Accident Claims Tribunal Authority, Special Sub Judge, Tirunelveli, seeking compensation of Rs.60,00,000/-, for the injuries sustained by him in an accident occurred on 17.01.2017 at about 8.45 hours. While the appellant/claimant was riding his motorcycle bearing Registration No.TN 58 AY 2601 along with one Rajkumar as a pillion rider in Sattur to Sivakasi Main Road, opposite to Anupankulam Jeyam Mess, from East to West, on the



extreme left side of the road, a bus bearing Registration No.TN 67 AT 4568 belonging to the first respondent came in a rash and negligent manner and dashed against the petitioner's motorcycle. Due to the said impact, the appellant/claimant sustained multiple grievous injuries all over the body and he was taken to the Government Hospital, Sivakasi. Thereafter, he was taken treatment in Velammal Hospital, Madurai and taken treatment in Hannah Joseph Hospital, K.K.Nager, Madurai and incurred a sum of Rs.6,00,000/-. The accident had happened due to the rash and negligent driving of the driver of the first respondent. The Tribunal has awarded a sum of Rs.31,70,697/-. Against which, the appellant/claimant has filed the present appeal.

3. Heard the learned counsel for the appellant/claimant and the learned counsel for the second respondent/Insurance Company and perused the materials available on record.

(*) 4. Even though the medical bills come to Rs.3,57,266/- the Insurance Company admitted for Rs.2,71,883/-, since some of the amounts are repeated. As per the evidence of the Doctor, the claimant is not having any marital relationship, since the age of the claimant was 22 years. So, Rs.2,00,000/- is awarded for loss of marital status, Rs.2,71,883/- is awarded for medical bills and Rs.2,00,000/- is awarded for attendant charges. For pain and suffering, the Tribunal has awarded only a sum of Rs.50,000/-. The appellant/claimant sustained multiple injuries and also injury in spinal cord and all the parts are affected below the hip. So, for pain and suffering, Rs.2,00,000/- is awarded and the other heads viz., loss of earning power, medical bills, transport expenses, extra nourishment and loss of convenience are confirmed. Accordingly, the claimant is entitled for compensation as follows:-

S.No.	Head	Amount granted by this Court
1.	Loss of earning power	Rs.24,19,200/-
2.	Loss of Marital Status	Rs. 2,00,000/-
2.	Medical Bills	Rs. 8,48,380/-
4.	Attendant Charge	Rs. 2,00,000/-
5.	Pain and Sufferings	Rs. 2,00,000/-
6.	Transport Expenses	Rs. 20,000/-
7.	Extra Nourishment	Rs. 50,000/-
8.	Loss of Convenience	Rs. 45,000/-
Total		Rs.39,82,580/-



5.In fine, the Civil Miscellaneous Appeal is allowed. The claimant is entitled for Rs.39,82,580/- (Rupees Thirty nine lakhs eighty two thousand five hundred and eighty only) along with interest at the rate of 7.5% per annum from the date of petition till the date of realization. The second respondent/Insurance Company is directed to deposit the award amount with accrued interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this order. On such deposit, the appellant/claimant is permitted to withdraw the entire award amount. No costs''.

Sd/-

Assistant Registrar (CS I)

(*) Paragraph 4 & 5 Corrected as per order of
this Court dated 24.01.2022

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

(*) to be substituted the order already despatched on 19.01.2022

1.The Judge,
Motor Accident Claims Tribunal Authority
(Special Sub Judge),
Tirunelveli.

2.V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



+1 CC to M/s.V.SASI KUMAR, Advocate (SR-37728[F] dated 08/12/2021)

+1 CC to M/s.E.CHANDRASEKARAN, Advocate (SR-37709[F] dated 08/12/2021)

C.M.A. (MD) .No.305 of 2020
07.12.2021

MGJ(11.01.2022) 4P 6C
TR(24.02.2022) 4P 6C