



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA NO.2744 OF 2021

C.R.Arun Pandian

...Appellant / Petitioner

Vs

1.Sri.A.Balasubramaniam

2.The Divisional Manager

The New India Assurance Company Limited.,

Motor Third Party Claims Cell

No.69/70, Sheikpet Nadu Street,

Kanchipuram.

...Respondents / Respondents

(R1 - Remained Exparte before the Tribunal)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the M.V. Act, against the Decree and Judgment dated 10.04.2019 made in M.C.O.P.No. 268 of 2010 on the file of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Kanchipuram.

For Appellant : Mr.M.Sivakumar

For 1st Respondent : No appearance

For 2nd Respondent : Mrs.S.R.Sumathy

J U D G M E N T

Terming the award of Rs.1,42,000/- as compensation for the injuries suffered by him in a Motor Accident that occurred on 21.03.2010, the claimant is on appeal.

2. The factum of accident and the question of negligence are not in dispute in as much as the Insurance Company has accepted the award. On the quantum of compensation Mr.M.Sivakumar, learned counsel appearing for the claimant/appellant would vehemently contend that the Tribunal was not right in granting only Rs.2,000/- per percentage of disability. He would submit that since the accident had taken place in the year 2010, the Tribunal ought to have awarded Rs.3,000/- per percentage of disability. The said contention of the learned counsel is reasonable and deserves acceptance.



3. The Tribunal has awarded Rs.60,000/- towards pain and suffering, Rs.10,000/- towards extra nourishment, Rs.10,000/- towards Transportation and Rs.2,000/- towards damage to clothing. I am of the considered opinion that the compensation for per percentage of disability should be taken at Rs.3,000/- and not Rs.2,000/- if so worked out compensation for disability would be Rs.90,000/- as against Rs.60,000/- awarded by the Tribunal. The award on heads of pain and suffering, transportation and extra nourishment and damage to clothing are confirmed. The Tribunal has not awarded any amount towards assistance. I am of the opinion that a sum of Rs.8,000/- should be awarded towards assistance.

4. In fine, the Appeal is partly allowed. No costs. The compensation awarded by the Tribunal is modified as follows:-

Disability	:	Rs.90,000/-
Pain and Suffering	:	Rs.60,000/-
Transportation	:	Rs.10,000/-
Extra Nourishment	:	Rs.10,000/-
Damage to clothing	:	Rs. 2,000/-
Assistance	:	Rs. 8,000/-

		Rs.1,88,000/-

The same is rounded of to Rs.1,90,000/-.

5. The Insurance Company is directed to deposit the enhanced compensation within a period of six weeks from today with appropriate interest as awarded by the Tribunal. On such deposit the claimant is entitled to with draw the entire amount. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

vsg

To

1.Additional Subordinate Court,
The Motor Accident Claims Tribunal,
Kanchipuram.



2.The Section Officer,
VR Section,
Madras High Court, Chennai.

+1cc to Mr.C.Prabakaran, Advocate Sr.No.1935

WEB COPY

CMA No.2744 of 2021

CA (CO)
RVM(14/02/2022)