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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

C.M.A. No.1898 of 2021

Ramalingam

...Appellant/Petitioner.

Vs

1.Ramar

2.National Insurance Co.Ltd

Divisional Manager, 110, JN Street,
Pondicherry-605001

...Respondents/Respondents.

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, To allow the appeal and enhance the compensation in M.C.O.P.No.1577 of 2014 dated 07.12.2018 on the file of the Motor Accident Claims Tribunal I Additional Subordinate Judge Cuddalore.

For Appellant : Mrs. Ramya V. Rao

For Respondent : Mr.D.Bhaskar [R2]

No appearance [R1]

JUDGEMENT

The The claimant has challenged the award passed by the Motor Accident Claims Tribunal (I Additional Special Judge, Cuddalore). The Tribunal below had awarded a compensation of Rs.1,36,130/- under the following heads.

SR.No	HEADS OF COMPENSATION	AMOUNT
1.	For Partial permanent disability this Court is inclined to award (Rs.3,000 X 27)	Rs.81,000/-
2.	For Transport to Hospital	Rs.5,000/-
3.	For Extra Nourishment	Rs.5,000/-
4.	Attender's Charges	Rs.3,000/-
5.	For Pain and Sufferings, mental agony	Rs.30,000/-
6.	Loss of amenities	Rs.10,000/-
7.	For Medical Expenditures	Rs.2,130/-
Total		Rs.1,36,130/-



2. The grievance of the claimant is that the Medical Board has assessed the disability at 27% which was not taken note of by the Tribunal below for adopting the multiplier method. Further, the Tribunal below has only adopted a sum of Rs.3,000/- per percentage for the partial permanent disability and the Tribunal below ought to have adopted a sum of Rs.4,000/- per percentage. The Tribunal has also not granted any amount for the loss of earning during the period of treatment.

3. The counsel appearing for the respondent Insurance Company would also fairly concede that the claimant is entitled to the above enhancement. Consequently, the award of the Tribunal is rewarded/modified as follows:

For partial permanent disability, it will be Rs.4,000/- X 27% = Rs.1,08,000/- together with and a sum of Rs.5,000/- each shall be added to transport expenses and extra nourishment. The Loss of earning for the period of treatment shall be granted at Rs.9,000/- for 5 months and Attender charges should be enhanced by a further sum of Rs.7,000/-. Totalling to a sum of Rs.2,40,130/-.

Enhanced compensation in Tabular Form is as follows:

SR.No	HEADS OF COMPENSATION	AMOUNT
1.	For Partial permanent disability this Court is inclined to award (Rs4000X27)	Rs.1,08,000/-
2.	For Transport to Hospital	Rs.10,000/-
3.	For Extra Nourishment	Rs.10,000/-
4.	Attender's Charges	Rs.10,000/-
5.	For Pain and Sufferings, mental agony	Rs.30,000/-
6.	Loss of amenities	Rs.25,000/-
7.	For Medical Expenditures	Rs.2,130/-
8.	Loss of Earning during treatment (9000 x 5)	Rs.45,000/-
Total		Rs.2,40,130/-

With 7.5 % interest.

4. Therefore, the Civil Miscellaneous Appeal is allowed and the compensation is enhanced to a sum of Rs.2,40,130/-. The 2nd respondent/ Insurance Company is directed to deposit the said amount to the credit of M.C.O.P.No.1577 of 2014 together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six



weeks from the date of receipt of a copy of this Judgement and the award. On such deposit being made, the claimant is entitled to withdraw the same forthwith. The claimant shall pay the Court Fee for the enhanced amount within a period of two weeks from the date of receipt of a copy of this Judgement. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal,
I Additional Subordinate Judge,
Cuddalore.

Copy to:

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

+2ccs to M/s.Ramya V.Rao, Advocate SR. No.11927

C.M.A. No.1898 of 2021

AK (CO)
PR (30/03/2022)