



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.3197 of 2021

Venkataraj

... Appellant

Vs

1.M.Rajappa

2.The Divisional Manager,
The New India Assurance Co. Ltd.,
Divisional Office,
No.14/7, K.G.Swamy Complex,
Bangalore Road,
Hosur - 635 109.

... Respondents

Prayer: This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 07.03.2018 made in M.C.O.P. No.58 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Krishnagiri.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.R.Sivakumar (for R2)

J U D G M E N T

The injured claimant is on appeal seeking enhancement of the compensation awarded at Rs.5,02,500/- for the injury suffered by him in a motor accident that occurred on 29.12.2014. The factum of the accident, the nature of injuries and the question of negligence are not in dispute, since the Insurance Company has accepted the award.

2.Mr.S.P.Yuaraj, learned counsel appearing for the appellant would submit that the Tribunal erred in adopting Rs.3000/- per percentage of disability. Since the accident had taken place in the year 2014, the Tribunal should have adopted at Rs.4000/- per percentage of disability. He would also fault



the Tribunal for awarding a total sum of Rs.25,000/- towards transport, nutrition and attender charges. Admittedly, the claimant was an inpatient for more than 10 days, therefore, he would have expended a significant amount towards attender charges.

3.Considering the same, the award of Rs.25,000/- towards transport, nutrition and attender charges is enhanced to Rs.40,000/-. The Tribunal has awarded partial loss of income for a period of six months at Rs.48,000/- per month. Considering the date of accident, assumption of notional income at Rs.8,000/- per month is too low. The notional income is assumed at Rs.10,000/- and the award under the partial loss of income is enhanced to Rs.60,000/-. The award under the other heads are confirmed. The award of the Tribunal is therefore modified and the award under the head of permanent disability is enhanced to Rs.1,60,000/-. Award under the head of transport, nutrition and attender charges is enhanced to Rs.40,000/-. The award under the head of partial loss of income is enhanced to Rs.60,000/-. The total award under the various heads is as follows:

1	40% Permanent disability (40x4000=1,60,000)	Rs.1,60,000/-
2	Medical Expenses	Rs.1,75,000/-
3	Transport and Nutrition Attender charges	Rs. 40,000/-
4	Pain and Sufferings	Rs. 65,000/-
5	Loss of Amenities and Enjoyment of life	Rs. 65,000/-
6	Damages to clothing and articles	Rs. 4,500/-
7	Partial loss of income	Rs. 60,000/-
	Total	Rs.5,69,500/-

4.The same is rounded of to Rs.5,70,000/- with interest at the rate of 9% as awarded by the Tribunal. It is made clear that the claimant will not be entitled for the interest for the delay period of 630 days.

5.This Civil Miscellaneous Appeal is allowed. The Insurance company shall pay interest at the rate of 7.5% for the enhanced amount from the date of petition till date of deposit. The Insurance Company shall deposit the enhanced amount with 7.5% interest within a period of six weeks from the date of



WEB COPY

receipt of a copy of this order and on such deposit, the claimant is permitted to withdraw the entire amount. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Motor Accident Claims Tribunal,
Special Sub Judge, Krishnagiri.

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

+lcc to Mr.S.P.Yuvaraj , Advocate SR.No.3536

CMA No.3197 of 2021

NK(CO)
GN(02/03/2022)