



C.M.A.No.2557 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2557 of 2014

P.R.Ravi

... Appellant

VS.

1.M.Saraswathi
(Remained ex-parte before the Trial Court)

2.ICICI Lombard General Insurance Co. Ltd.,
140, Nungambakkam High Road,
Chennai-34.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Judgment and Decree dated 10.04.2014 in M.A.C.T.O.P.No.32 of 2010 on the file of the III Small Causes Court (Motor Accident Claims Tribunal), Chennai.

For Appellant : Mr.N.M.Muthurajan
For Respondents : Mrs.R.Sree Vidhya [R2]
R1 - Exparte

JUDGMENT

The claimant before the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai in M.C.O.P.No.32 of 2010 is the appellant herein



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seeking enhancement of the award passed by the Tribunal below.

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2. Though the arguments were made for enhancing the quantum of compensation in most of the heads, ultimately, after hearing the arguments of both parties, this Court has taken into account the injuries sustained by the appellant/petitioner, namely Grade – I compound fracture of both bones at right leg with tibial plateau, for which the petitioner/appellant has undergone as open reduction and internal fixation with plate and cancellous screw fixation and suffered a disability. The Tribunal has calculated the compensation by adopting a sum of Rs.2000/- per percentage and adopted the disability assessed by PW2-Doctor at 40%. The appellant has undergone treatment as an in-patient for 12 days at Government General Hospital. Therefore, the amount under the head of permanent disability is enhanced by adopting Rs.3000/- per percentage. Therefore, the amount under this head is enhanced to a sum of Rs.1,20,000/-. In all other aspects, the award of the Tribunal remains unaltered. Therefore, the Compensation awarded by the Tribunal is reworked as below:



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<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Award confirmed or enhanced or granted or reduced</i>
1	Loss of Income	Rs. 35,000/-	Rs. 35,000/-	Confirmed
2	Transport to Hospital	Rs. 10,000/-	Rs. 10,000/-	Confirmed
3	Extra Nourishment	Rs. 10,000/-	Rs. 10,000/-	Confirmed
4	Damage to clothing	Rs. 1,000/-	Rs. 1,000/-	Confirmed
5	Medical Expenses	Rs. 25,000/-	Rs. 25,000/-	Confirmed
6	Attender Charges	Rs. 10,000/-	Rs. 10,000/-	Confirmed
7	Loss of amenities of life	Rs. 25,000/-	Rs. 25,000/-	Confirmed
8	Pain and sufferings	Rs. 40,000/-	Rs. 40,000/-	Confirmed
9	Permanent disability	Rs. 80,000/-	Rs. 1,20,000/-	Enhanced
	TOTAL	Rs. 2,36,000/-	Rs. 2,76,000/-	

3. In the result, this Civil Miscellaneous Appeal is allowed and the compensation of 2,36,000/- awarded by the Tribunal is hereby Enhanced to a sum of **Rs.2,76,000/-**. Therefore, the 2nd respondent / Insurance Company is directed to deposit the enhanced amount of **Rs.2,76,000/-** to the credit of M.A.C.T.O.P.No.32 of 2010 on the file of the Motor Accident Claims



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Tribunal, III Court of Small Causes, Chennai, together with interest @ 7.5%

per annum from the date of claim petition till the date of deposit and costs, less, the amount, if any already deposited, within a period of four weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimant is permitted to withdraw the amount now determined by this Court, as apportioned by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal. The claimant is directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall not disburse the enhanced amount till such time as the certified copy showing proof of payment of Court fee has been produced by the claimant. No costs.

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Index : Yes/No
Speaking / Non-speaking order
ssn



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To:

1. The Motor Accident Claims Tribunal,
III Court of Small Causes,
Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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