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C.M.A.No.2558 of 2014

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 26.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2558 of 2014

N. Malliga

... Appellant

Vs.

1.S.Udaya Kumar

2.The Reliance General Insurance Company Limited,
Regional Office, (Legal Department),
Reliance House, VI Floor,
No.6, Haddows Road,
Nungambakkam,
Chennai – 600 034.

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 21.01.2014 in M.C.O.P.No.1693 of 2012 on the file of the learned II Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai.



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For Appellant : Mr.P.T.Salim Fathima

For Respondents : Mr.K. Moorthy for R2

R1 – *Ex parte*

JUDGMENT

The appellant is aggrieved by the quantum of compensation granted, particularly, the amount granted under the head of compensation for partial and permanent disability, wherein the learned II Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai, has only taken a sum of Rs.2,000/- per percentage for the cost of compensation.

2.Heard the learned counsels appearing on either side and perused the papers.

3.The appellant/petitioner has suffered fracture of both bone left forearm for which he had undergone an ORIF 9 holed plate for



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segmental fracture of ulna and elastic nail for the segmental fracture of radius . For the above, he has been admitted in the hospital for 18 days as an inpatient. The compensation per percentage can be enhanced to a sum of Rs.3,000/-. Therefore, the amount under the head of compensation for partial and permanent disability is enhanced to a sum of Rs.1,05,000/- (Rs.3,000/- x 35% = Rs.1,05,000/-). In all other respects, the Award remains unaltered. Therefore, taking into consideration the above aspects, the modified amount is as follows:

S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Loss of income	Rs.72,000/-	Rs.72,000/-	Confirmed
2.	Transportation	Rs.10,000/-	Rs.10,000/-	Confirmed
3.	Extra nourishment	Rs.10,000/-	Rs.10,000/-	Confirmed
4.	Damages to clothes	Rs.1,000/-	Rs.1,000/-	Confirmed
5.	Medical Expenses	Rs.10,000/-	Rs.10,000/-	Confirmed
6.	Attendant charges and mental agony	Rs.50,000/-	Rs.50,000/-	Confirmed
7.	Loss of amenities	Rs.25,000/-	Rs.25,000/-	Confirmed



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S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
	of life			
8.	Pain and sufferings	Rs.75,000/-	Rs.75,000/-	Confirmed
9.	Disability	Rs.70,000/-	Rs.1,05,000/-	Enhanced
	TOTAL	Rs.3,23,000/-	Rs.3,58,000/-	

4. Accordingly, this Civil Miscellaneous Appeal is allowed. The 2nd respondent/Insurance Company is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.1693 of 2012 on the file of the learned II Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai, within a period of six weeks from the date of receipt of a copy of this order, if not deposited earlier. On such deposit, the appellant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, by making necessary applications.



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The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking order / Non speaking order
mps

To

The II Judge,
Motor Accidents Claims Tribunal,
Small Causes Court,
Chennai.



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P.T. ASHA, J,

mps

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