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C.M.A.No.2567 of 2014

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2567 of 2014

Prasanna Lakshmi

...Petitioner/Appellant

Vs.

1.S.Arjunan

2.The Oriental Insurance Company Limited,
No.8, Esplande Road,
Chennai – 600 108.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 03.02.2010 in M.A.C.T.O.P.No.3279 of 2006 on the file of the learned VI Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

For Appellant : Mr.F.Terry Chellaraja

For Respondents : Mr.P.Kandasamy for R2

R1 – *ex parte*



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JUDGMENT

The claimant is the appellant herein seeking an enhancement of the Award passed in M.A.C.T.O.P.No.3279 of 2006 on the file of the learned VI Judge, Motor Accidents Claims Tribunal, Small Causes Court, Chennai.

2.The Tribunal has awarded a sum of Rs.1,44,403/- as compensation. The appellant is aggrieved by the Award as it is very inadequate. The appellant had taken treatment as an inpatient and undergone a surgery in which plate and screws were inserted. Further, she has sustained a disability of 40%. The Tribunal has not granted any amounts under the head of transportation, extra nourishment and attendant charges. A sum of Rs.15,000/- alone has been awarded under the head of pain and suffering. Therefore, considering the period of



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treatment undergone by the claimant and the hospitalisation the amount under this head is enhanced to a sum of Rs.25,000/- instead of Rs.15,000/-.

3.As rightly pointed out by the learned counsel for the appellant/claimant, no amounts have been granted under the heads of transportation charges, extra nourishment and attendant charges. A sum of R.5,000/- each is granted under these heads. In all other respects, the Award remains unaltered. The enhanced compensation would be a sum of Rs.1,69,403/-. 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.	Medical Expenses	Rs.49,403/-	Rs.49,403/-	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
2.	Pain and suffering	Rs.15,000/-	Rs.25,000/-	Enhanced
3.	Transportation	-	Rs.5,000/-	Granted
4.	Extra nourishment	-	Rs.5,000/-	Granted
5.	Attendant charges	-	Rs.5,000/-	Granted
6.	Disability of 40%	Rs.80,000/-	Rs.80,000/-	Confirmed
	TOTAL	Rs.1,44,403/-	Rs.1,69,403/-	

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.A.C.T.O.P.No.3279 of 2006 on the file of the learned VI 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



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amount with proportionate accrued interest and costs, by making necessary applications.

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.

28.09.2022

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

To

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



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P.T. ASHA, J,

mps

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