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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Civil Miscellaneous Appeal No.2759 of 2021

P. Vijayalakshmi

... Appellant/Petitioner

Vs.

1. R.Narayanan

2. Reliance General Insurance Company Limited,
Reliance House, R.O. Legal Dept.,
No.6, 6th Floor, Haddows Road,
Nungambakkam,
Chennai 600 006.

... Respondents

Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the decree and Judgment dated 29/09/2020 to enhance the amount awarded in MCOP No.1933 of 2017 dated 29.09.2020 on the file of Motor Accident Claims Tribunal (V Small Causes Court), Chennai.

For Appellant : Mr. K.Varadhakamaraj

For Respondents : Mr. R.Sunilkumar for R2

No appearance for R1

J U D G M E N T

The claimant who was favoured with an award of Rs.2,44,700/- for the injuries suffered by her in a motor accident that occurred on 23.03.2017 is on Appeal, terming the award as low. Since the Insurance Company has not chosen to challenge the award the issues relating to negligence or liability need not be addressed.

2. On the quantum, Mr.Varadhakamaraj, learned counsel appearing for the appellant/claimant would contend that the Tribunal was not right granting only Rs.3,000/- per percentage of disability as compensation. Pointing out that the accident had occurred in March 2017, the learned counsel would submit



that the Tribunal should have awarded at least Rs.5,000/- per percentage of disability, I see some force in the contention of the learned counsel. He would further contend that attender charges at Rs.1,500/- is too low.

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3. Mr.R.Sunilkumar, learned counsel appearing for the Insurance Company would submit that the awards for Extra Nourishment at Rs.30,000/-, Future Medical Expenses at Rs.20,000/-, Loss of Amenities at Rs.30,000/- are all on the higher side, therefore no enhancement is warranted.

4. I have considered the submissions of the counsel for the parties.

5. As already pointed out the contention of the learned counsel for the appellant that the Tribunal should awarded Rs.5,000/- per percentage of disability deserves acceptance. Therefore, the award under the head of disability is enhanced to Rs.50,000/- at Rs.5,000/- per percentage. No doubt, the award of Rs.1,500/- towards attender charges is very low, but considering the fact that Rs.10,000/- has been awarded towards Tuition Fees, Rs.30,000/- has been awarded towards Extra Nourishment, Rs.20,000/- has been awarded towards Future Medical Expenses and Rs.30,000/- has been awarded towards Loss of Amenities, I do not see any reason to increase the said amount awarded towards attender charges.

6. In fine, the Appeal is partly allowed, the award under the head of disability alone is enhanced Rs.50,000/- from Rs.30,000/- and the total award is enhanced to Rs.2,64,700/-. The Insurance Company is directed to deposit the award amount as per the modified award, less the amount, if any, already deposited, with appropriate interest as granted by the Tribunal to the credit of MCOP No.1933 of 2017, within a period of six (6) weeks from the date of receipt of a copy of the judgment. On such deposit, the claimant is permitted to withdraw the same. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jv
To

1. The V Judge,
Motor Vehicle Accident Claims Tribunal,
Small Causes Court, Chennai.



Copy To

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

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+1cc to Mr.K.Varadha Kamaraj, Advocate SR.No.1708
+1cc to Mr.R.Sunil Kumar, Advocate SR.No.1759

Civil Miscellaneous Appeal No.2759 of 2021

GSM(CO)
GN(01/03/2022)