



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.04.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.A(MD)No.943 of 2014

Balamurugan

:Appellant/Petitioner

.vs.

1.Ramesh

2.Shriram General Insurance Company,
Industrial Area, 10003-E RIICO,
Sitapura,
Jaipur,
Rajasthan - 302 022.

:Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgement and decree made in M.C.O.P.No.2 of 2011, dated 29.10.2013, on the file of the Motor Accidents Claim Tribunal cum-Sub-Court, Theni, Theni District.

For Appellant

:Mr.B.Jeyakumar

For Respondent-1

:No appearance

For Respondent-2

:Mr.V.Sakthivel

JUDGMENT

This Civil Miscellaneous Appeal is filed against the judgment and decree made in M.C.O.P.No.2 of 2011, dated 29.10.2013, on the file of the Motor Accidents Claim Tribunal-cum Sub-Court, Theni, Theni District.

2.The Claim Petitioner is the appellant herein seeking enhancement of compensation against the award granted in M.C.O.P.No.2 of 2011.

3.The learned counsel for the second respondent is heard on the point of quantum of compensation.

4.The factum of the accident, manner of the accident and rash and negligence on the part of the offending vehicle are not disputed and hence, the findings of the Tribunal with regard to the same are confirmed.



5.After perusing the award passed by the learned Tribunal, I find that under Ex.P3-Medical Bills are produced to the tune of Rs.40,699/- and Ex.P4-Medical Bills are produced to the tune of Rs.63,118/- before the Tribunal, seems to be just and reasonable, however, the Tribunal has only granted Rs.49,860/- under the said head. On a perusal of Ex.P3 and Ex.P4, I do not find any reason to disallow the same, since it has been paid by the claimant during treatment and the hospital authorities have also issued necessary bills to that effect. Hence, this Court granted the award under the head of Medical Bills, the above said amount of Rs.40699/- +Rs.63118/- = Rs.1,03,817/-. In all other aspects, the award of the Tribunal is kept intact. Thus the total award amount is enhanced to Rs.2,01,817/- with interest at 7.5% p.a.

6.In the result, this Civil Miscellaneous Appeal is partly allowed and the total award amount is enhanced from Rs.1,47,860/-/- to Rs.2,01,817/- with interest at the rate of 7.5% p.a., from the date of claim petition till the date of realisation. The second respondent/Insurance Company is directed to deposit the modified enhanced award amount with proportionate accrued interest and costs, less the award amount, if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the appellant/claimant is permitted to withdraw the modified award amount with accrued interest and costs, less the award amount, if any already withdrawn, by filing necessary application before the Tribunal. The appellant/claimant is directed to pay the additional Court fee for enhanced award amount awarded by this Court to the credit of C.M.A before the Registry. No costs.

Sd/-

Assistant Registrar (CS-III)

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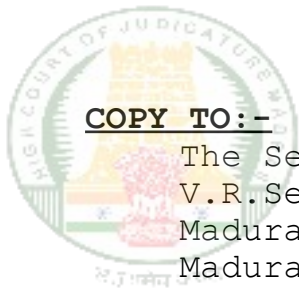
/ /2022

Sub Assistant Registrar(CS)

vsn

To

The Sub Judge
The Motor Accident Claim Tribunal,
Theni, Theni District.



COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.B. JEYAKUMAR, Advocate (SR-17424[F] dated 08/04/2022)

+1 CC to M/s.V. SAKTHIVEL, Advocate (SR-17731[F] dated 11/04/2022)

JUDGMENT MADE IN
C.M.A(MD)No.943 of 2014
07.04.2022

ck(CO)

GC(09.05.2022) 3P 6C