



CMA.No.667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.10.2023

CORAM: JUSTICE N.SESHASAYEE

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Karthik

... Appellant

-Vs-

1.Muthusamy

2.The United India Insurance Co. Ltd.,
Divisional Office,
No.2, Bhuvaneswari Complex,
Dr.Sankaran Road,
Namakkal – 637 001.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V.Act, 1988, against the Judgment and Decree dated 23-01-2021 made in MCOP.No.648 of 2018, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Dharmapuri.

For Appellant : Mr.D.Rameshkumar

For R1 : No appearance

For R2 : Mr.S.Arunkumar



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JUDGMENT

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The appellant herein has suffered 5% partial permanent disability owing to fracture of his tibia and fibula in a road accident that took place on 21.02.2018 when he was traveling in his motor cycle bearing Regn.No.TN 22 CX 9682. The accident had occasioned when a Lorry with a bore well ring bearing Regn.No.TN 28 AP 5926 collided with the two wheeler of the appellant. The Tribunal had awarded a compensation of Rs.1,30,000/- and aggrieved by the same, the Appellant is before this Court.

2.Heard both sides.

3.On carefully going through the material papers, this Court considers that under the head of disability the appellant may be Awarded Rs.25,000/- at the rate of Rs.5,000 for every percentage of disability. So far as extra nourishment is concerned, since the appellant was in the hospital for about a month, he can be awarded Rs.30,000/- as against Rs.15,000/- awarded by the Tribunal. For pain and sufferings, the amount awarded by the Tribunal is faulty and hence, it is



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doubled. When the petitioner was in the hospital for about a month, he definitely requires the assistance of a care taker. For this, This Court Awards another Rs.20,000/-.

4.The compensation awarded by the Tribunal under other heads are just and reasonable and hence, the same are confirmed. Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,30,000/- to Rs.1,90,000/-, break-up as follows -

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	15,000/-	25,000/-	Enhanced
2.	Medical bills	70,000/-	70,000/-	Confirmed
3.	Transport to Hospital	15,000/-	15,000/-	Confirmed
4.	Extra Nourishment	15,000/-	30,000/-	Enhanced
5.	Pain and Sufferings	15,000/-	30,000/-	Enhanced
6.	Attender Charges	-	20,000/-	-
	Grand Total	1,30,000/-	1,90,000/-	Enhanced by 60,000/-



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5. With the above modification, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.1,30,000/- is hereby enhanced to Rs.1,90,000/- together with interest at 7.5% per annum (excluding the default period if any) from the date of petition till the date of deposit. The second respondent / Insurance Company is directed to deposit the award amount, now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six (6) weeks from the date of a receipt of copy of this Judgment. On such deposit, the appellant is permitted to withdraw the award amount, now determined by this Court, along with interest and costs, less the amount if any, already withdrawn. The appellant is directed to pay the necessary Court Fee, if any, on the enhanced award amount. No costs.

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To

- 1.The Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Dharmapuri.
- 2.The Section Officer,
V.R.Section, High Court, Madras.



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N.SESHASAYEE, J.,

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