



C.M.A.No.3028 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.M.A.No.3028 of 2019

Vennila

... Appellant

Vs.

1.Sri Balaji Travels,
No.1/11-B, Nobel Street,
Alandur, Chennai – 600 016.

2.United India Insurance Co. Ltd.,
Motor Third Party Hub,
Silingi Building, 4th Floor,
No.134, Greams Road,
Chennai – 600 006.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against Judgment and Decree dated 18.02.2019 passed in M.C.O.P.No.4668 of 2016 on the file of the Motor Accident Claim Tribunal, Special Sub-Court No.1, Small Causes Court, Chennai.

For Appellant : Mr.R.Nalliyappan

For Respondents
For R1 : Not ready in notice

For R2 : Mrs.R.Sreevidhya



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J U D G M E N T

The Appeal has been filed against the Judgment and Decree dated 18.02.2019 made in M.C.O.P.No. 4668 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub-Court No.1, Small Causes Court, Chennai.

2. The claim Petitioner is the appellant herein seeking compensation for the injuries sustained by him in a road traffic accident occurred on 18.06.2016. The Tribunal has awarded a sum of Rs.56,300/- with interest at the rate of 7.5% per annum from the date of numbering of the MCOP Petition till the date of deposit and costs. Aggrieved by the same, the appellant preferred the above appeal.

3. The factum of the accident, manner of the accident, rash and negligent driving on the part of the 1st respondent vehicle insured with the 2nd respondent Insurance Company are not under challenge in this Appeal. Accordingly, the finding rendered by the Tribunal in this regard are hereby confirmed.



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4. During the trial, on the side of the claim Petitioner, P.W.1 was examined and Ex.P1 to Ex.P8 were marked and on the side of the respondents no one was examined and no document was marked.

5. On appreciation of materials before it, the Tribunal awarded compensation as follows:

<i>Sl.Nos.</i>	<i>Heads</i>	<i>Compensation</i>
1.	Pain and suffering	Rs.20,000/-
2.	Transportation	Rs.5000/-
3.	Extra Nourishment	Rs.15,000/-
4.	Medical Expenses	Rs.11,757/-
5.	Attender charges	Rs.4,500/-
Total		Rs.56,257/- rounded off to Rs.56,300/-

The said sum was directed to be paid by the 2nd respondent along with interest at 7.5% per annum from the date of petition till the date of realization.

6. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal under various heads are very meagre and unreasonable. Since the appellant sustained fracture in Tibia, 30% disability



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fixed by the Tribunal is not sustainable in law. Hence, he prays for enhancement of compensation.

7. The learned counsel for the 2nd respondent Insurance Company, on the other hand, submits that the order of the Tribunal is just and fair and it does not requires interference of this Court.

8. Heard the learned counsel appearing for the parties and perused the materials available on records.

9. On the point of quantum, the Tribunal has awarded a sum of Rs.20,000/- towards pain and suffering, which appears to be very meager. Considering the nature of injuries, this Court is inclined to enhance the same to Rs.30,000/-. The Tribunal awarded Rs.15,000/- towards extra nourishment, which appears to be meager, this Court is inclined to enhance the same to Rs.22,000/-. The Tribunal awarded Rs.5000/- towards transportation, which seems to be low and hence, this Court is inclined to enhance the same to Rs.7,000/-. The Tribunal awarded Rs.11,757/- towards medical expenses and Rs.4,500/- towards transportation, which appears to be just and reasonable and



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the same are hereby confirmed.

10. In the light of the said discussions, the modified award is as follows:

<i>Sl.Nos.</i>	<i>Heads</i>	<i>Compensation</i>
1.	Pain and suffering	Rs.30,000/-
2.	Transportation	Rs.7,000/-
3.	Extra Nourishment	Rs.22,000/-
4.	Medical Expenses	Rs.11,757/-
5.	Attender charges	Rs.4,500/-
Total		Rs.75,257/-

Accordingly, the amount awarded by the Tribunal is enhanced from Rs.56,300/- to Rs.75,257/- together with interest at 7.5% per annum from the date of petition till the date of realization

11. In fine,

(i) this Civil Miscellaneous Appeal stands partly allowed, enhancing the compensation from Rs.56,300/- to Rs.75,257/- to the extent indicated above.

No Costs.

(ii) the 2nd respondent directed to deposit the enhanced award amount, with interest and costs before the Tribunal, within a period of six (06) weeks from



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the date of receipt of a copy of this order.

(iii) on such deposit being made, the claim Petitioner is permitted to withdraw the entire enhanced award amount with accrued interest and costs, less the award amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(iv) the claim Petitioner is directed to pay the court fee, if any, for the enhanced compensation amount and the Registry is directed to draft the decree only after the receipt of Court fee.

19.06.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

Motor Accident Claim Tribunal,
Special Sub-Court No.1,
Small Causes Court, Chennai.

A.A.NAKKIRAN.J,



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