



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on :27.01.2023

Judgment pronounced on :03.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2845 of 2012

Lalithambigaie

...Appellant

Vs.

1.The Chairman,
Ponnaiyah Ramajayam Engineering College,
Vallam, Thanjavur District, Tamil Nadu – 613 403.

2.The Divisional Manager,
M/s.National Insurance Co.Ltd.,
No.110, 2nd Floor, J.N.Street,
Pondicherry.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 18.11.2019 made in M.C.O.P.No.795 of 2016 on the file of the Additional Motor Accident Claims Tribunal, Puducherry.

For Appellant : Mr.T.Ananthasekar

For R1 : Mr.O.S.Thilk Pasumbadiyar

For R2 : Mrs.N.B.Surekha



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JUDGMENT

The Appeal has been filed against the award dated 18.11.2019 made in M.C.O.P.No.795 of 2016 on the file of the Additional Motor Accident Claims Tribunal, Puducherry.

2.The claim Petitioner is the Appellant herein. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.The claim Petitioner filed the above Appeal, seeking compensation for the injuries sustained by her in a road traffic accident on 03.08.2016. The Tribunal has awarded a sum of Rs.1,35,000/- with interest at the rate of 7,5%. Aggrieved by the same and seeking enhancement, she has preferred this Appeal.

4.During the trial, on the side of the claim Petitioner, PW1 is examined, Ex.P1 to Ex.P.14 were marked and on the side of the Respondent R.W.1 is examined and Ex.R1 and Ex.R2 were examined and Ex.C1 is marked.



5. Heard the learned counsel for the claim Petitioner/Appellant and learned counsel for the 2nd Respondent.

6. The factum of the accident, manner of the accident, rash and negligent driving on the part of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent, are not under challenge in this Appeal. Accordingly, the findings rendered by the Tribunal that the accident taken place due to the rash and negligent driving of the driver of the 1st Respondent's vehicle, insured with the 2nd Respondent, are hereby confirmed.

7. The petitioner was admitted in the JIPMER Hospital and he worked as a Lab Technician. After treatment, he was discharged and he has filed the petition seeking compensation. The Tribunal has granted Rs.1,35,000/- and he seeks enhancement of compensation.

8. After hearing both the parties as per Ex.P13, this Court finds that the salary of the petitioner is Rs.45,884/- after Government recoveries. He worked as a Lab Technician and he was said to have suffered permanent disability to an extent of 10% as could be seen from Ex.C1 disability certificate issued by JIPMER hospital. Accordingly, the Tribunal has granted Rs.30,000/- under the head "permanent disability"



and the same is hereby enhanced to Rs.50,000/-.

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9. For the loss of income based upon Ex.P13, one month income is calculated at Rs.45,884/-, which is rounded off to Rs.45,000/- and the amounts awarded by the Tribunal under the other heads appear to be reasonable and the same are hereby confirmed.

10.The break-up details of the compensation is as under:

<i>Sl. No</i>	<i>Heads under which the amount is awarded</i>	<i>Amount awarded by the Tribunal</i>	<i>Amount awarded by this Court</i>
1.	Pain and suffering	Rs. 45,000/-	Rs. 45,000/-
2.	Permanent disability	Rs. 30,000/-	Rs. 50,000/-
3.	Loss of income	--	Rs. 45,000/-
4.	Transportation expenses	Rs. 10,000/-	Rs. 10,000/-
5.	Nutritious food	Rs. 20,000/-	Rs. 20,000/-
6.	Attendant charges	Rs. 10,000/-	Rs. 10,000/-
7.	Comfort and amenities	Rs. 20,000/-	Rs. 20,000/-
	Total	Rs. 1,35,000/-	Rs. 2,00,000/-

In total, the claim Petitioner is entitled to a sum of Rs.2,00,000/- (Rupees Two lakhs only).

11. In fine,

(i) this Civil Miscellaneous Appeal stands partly allowed,



enhancing the award amount **from Rs.1,35,000/- to Rs.2,00,000/-**
to the extent indicated above, with 7.5% interest per annum. No Costs.

(ii) the 2nd Respondent/insurance company is directed to deposit the enhanced award amount before the Tribunal, within a period of eight weeks from the date of receipt of a copy of this order, less the amount, if any already deposited.

(iii) on such deposit being made, the claim Petitioner/Appellant 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/Appellant 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.

03.02.2023

nvi

Index : Yes/No
Speaking/Non-speaking order

To
1.The Motor Accidents Claims Tribunal,



Additional Motor Accident Claims Tribunal, Puducherry.

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

RMT.TEEKAA RAMAN, J.

nvi

Judgment in
C.M.A.No.2845 of 2022



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03.02.2023