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CMA.No.2544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM: JUSTICE N.SESHASAYEE

CMA.No.2544 of 2023

Kannan

... Appellant

-Vs-

1.Nagoor Meeran
2.The Manager,
Reliance General Insurance Company Limited,
Plot No.2054, 2nd Floor,
Anna Nagar 2nd Avenue,
Chennai – 600 040.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act of 1988, against the order made in M.C.O.P.No.6134 of 2014, dated 01.09.2022, on the file of the Motor Accident Claims Tribunal(In the V Court of Small Causes, at Chennai).

For Appellant : Mr.S.Suriyaprakash

For R1 : Notice D/w Vide order dt.30.10.2023

For R2 : M/s.G.Sukumari



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JUDGMENT

The claimant, who has suffered 20% disability as assessed by the Medical Board owing to the injuries he has sustained in a road accident, which took place when an auto bearing Regn.No.TN 05 W 8331 belonging to the first respondent and insured with the second respondent dashed behind the motorcycle of the claimant bearing Regn.No.TN 18 T 2082, is before this Court with this Appeal. He was awarded a compensation of Rs.1,54,200/- by the Tribunal and dissatisfied with the same, the claimant is before this Court with this appeal.

2.The first respondent remained ex-parte before the Tribunal and hence, notice to him is dispensed with.

3.Ms.G.Sukumari, learned counsel entered appearance on behalf of the second respondent.

4.The learned counsel for the appellant submitted that the Tribunal has not awarded anything towards loss of income and that the compensation



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awarded under other conventional heads is also on the lower side.

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5. Heard both sides and the perused the documents on record.

6. This Court considers that fixing the notional monthly income of the victim of the accident at Rs.6,000/- would be reasonable and accordingly, grants Rs.60,000/- as compensation for the loss of income during the period when the appellant was taking treatment and convalescing. It is also noted that the appellant was hospitalized at least twice, which implies, he may have to be given additional compensation on other conventional heads. Accordingly, this Court increases the compensation payable on other conventional heads as below;

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	80,000/-	80,000/-	Confirmed
2.	Medical expenses	18,673/-	18,673/-	Confirmed
3.	Loss of Income	Nil	60,000/-	Enhanced



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4.	Pain and suffering and Mental Agony	20,000/-	10,000/-	Reduced
5.	Transportation expenses	10,000/-	10,000/-	Confirmed
6.	Nutrition Expenses	10,000/-	15,000/-	Enhanced
7.	Damages to Clothes	1,000/-	1,000/-	Confirmed
8.	Attender Charges	4,500/-	15,000/-	Enhanced
9.	Loss of Amenities	10,000/-	20,000/-	Enhanced
	Grand Total	1,54,173/- Rounded off to 1,54,200/-	2,29,673/-	Enhanced by 75,473/-

7. With the above modification, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.1,54,200/- is hereby enhanced to Rs.2,29,673/- together with interest at 7.5% per annum (excluding the default period if any) from the date of petition till the date of deposit. It is informed that the second respondent/insurance company has already deposited the amount awarded by the Tribunal. It is now required to deposit the differential sum with interest at 7.5%, within a period of six (6) weeks from the date of a receipt of copy of this



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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.

22.12.2023

Tsg

To

- 1.The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai.
- 2.The Section Officer,
V.R.Section, High Court, Madras.



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N.SESHASAYEE, J.,

Tsg

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