



C.M.A.(MD).No.340 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)No.340 of 2015

K.Murugesan @ Murugan

..... Appellant/Claimant

-vs-

1. M/s.Prasad & Company (Project Works) Ltd.,
H.No.6-1-125B, Ammayanaickanur,
Near R.K.N. & Company (Sales Branch)
Kodai Road, Nilakkottai Taluk,
Dindigul District.

2. The Branch Manager,
United India Insurance Company Ltd.,
D.No.7, United India Towers,
Basheerbagh Hyderabad,
Andrapradesh.

.... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and Award passed in M.C.O.P.No.217 of 2008 on the file of the Motor Accidents Claims Tribunal-cum-Additional Sub- Court, Dindigul, dated 30.11.2011 for enhancement of compensation.

For Appellant : Mr.S.Sarvagan Prabhu

For Respondents : Mr.K.Murugesan – For R2



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J U D G M E N T

The present Civil Miscellaneous Appeal has been filed by the injured claimant seeking to enhance the compensation. The Tribunal has awarded a sum of Rs.3,08,400/- (Rupees Three Lakhs Eight Thousand and Four Hundred only). The present Appeal has been filed seeking to enhance the same, by additional sum of Rs.2,00,000/- (Rupees Two Lakhs only).

2. According to the learned counsel appearing for the appellant, the injured claimant was admitted in the hospital for more than one month and therefore the loss of income to the assistant who had assisted the injured person has not been taken into consideration. He further pointed out that the transport Expenses and the extra nourishment had been clubbed together and an award of Rs.5,000/- (Rupees Five Thousand only) alone has been granted under the said heads. He further contended that in view of the fact that the claimant was an inpatient for more than one month, an additional amount has to be granted under the head of extra nourishment. Therefore, he prayed for enhancement of compensation.



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3. Per contra, learned counsel appearing for the Insurance Company had contended that the accident had taken place in the year 2007 and the award is of the year 2011 and considering the date of accident, the award is already excessive and does not call for any enhancement.

4. I have carefully considered the submissions made by the learned counsel on either side.

5. As rightly contended by the learned counsel appearing for the appellant, the injured claimant had been treated as an inpatient for more than one month due to the fracture in the right hand and left leg. Considering the above said fact, the Tribunal ought to have taken into account the fact that he cannot be an inpatient without the assistance of another person, who had incurred loss of income for the said period. Considering the said fact, the Tribunal ought to have awarded a sum of Rs.10,000/- (Rupees Ten Thousand) towards loss of income to the assistant who assisted the injured claimant.

6. Considering the fact that the injured was inpatient for a period of one month, the extra nourishment has to be considered under a separate head and



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ought not to have been clubbed with the transport expenses. The extra nourishment should have been awarded a sum of Rs.5,000/- (Rupees Five Thousand only). Therefore, this Court finds that the additional sum of Rs.15,000/- (Rupees Fifteen Thousand only) could be enhanced in the appeal.

7. In view of the above said deliberations, this Civil Miscellaneous Appeal is allowed in part and the award amount of the Tribunal is enhanced by additional sum of Rs.15,000/- (Rupees Fifteen Thousand only) and the said amount will carry interest at the rate of 7.5% per annum from 21.01.2008 onwards till the date of realization. There shall be no order as to costs.

10.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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 3. The Branch Manager,
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D.No.7, United India Towers,
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Andrapradesh.
 4. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
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R.VIJAYAKUMAR,J.

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