



C.M.A.(MD)No.522 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.522 of 2018

Prithiviraj

... Appellant

Vs.

1.Guru

2.Branch Manager,
United India Insurance Company Ltd.,
1st floor, Top to the Indian Bank,
South Main Street,
Thanjavur-613 009.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award of compensation passed in M.C.O.P.No.48 of 2013 dated 14.02.2018 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate Court) Pudukkottai.



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For Appellant : Mr.K.C.Maniyarasu
For R-1 : No appearance
For R-2 : Mr.C.Jawahar Ravindran

JUDGMENT

This Civil Miscellaneous Appeal is filed to to enhance the award of compensation passed in M.C.O.P.No.48 of 2013 dated 14.02.2018 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate Court) Pudukkottai.

2.This is a case of injury. As a result of the accident which happened on 07.01.2013, the appellant had sustained several injuries including his head and whole body and he had sustained bone fracture in his right leg. In order to recover from his bone fracture in his right leg, a steel plate had been implanted on 07.02.2013 by a surgery. The Tribunal has awarded an amount of Rs.69,215/- (Rupees Sixty Nine Thousand Two Hundred and Fifteen only) as compensation.



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3. Heard, the learned Counsel appearing for the appellant and the learned Counsel appearing for 2nd respondent and perused the materials available on record.

4. On critical perusal of the entire award, it is made clear that no compensation has been awarded by the Tribunal on the head of future medical expenses. By considering the nature of the injury sustained, it is necessary for the appellant to remove the implanted plate in his right leg. In view of the same, the award passed by the Tribunal is hereby modified by including the head of future medical expenses under which an amount of Rs.40,000/- (Rupees Forty Thousand only) is hereby awarded.

5. Accordingly, the Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal is enhanced as stated above.

6. The Insurance Company is directed to deposit the compensation amount as modified by this Court i.e., Rs.1,09,215/- (One Lakh Nine Thousand Two Hundred and Fifteen only) with interest at the rate of 7.5%



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from the date of petition till the date of realization, at the first instance to the credit of M.C.O.P.No.48 of 2013, on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court,), Pudukkottai, within a period of one month from the date of receipt of a copy of this judgment, less the amount, if any already deposited. On such deposit, the claimant is permitted to withdraw the said amount as apportioned by the Tribunal, less the amount if any already withdrawn, by making necessary application before the Tribunal. No costs. Additional Court fee, if any, shall be paid.

29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Motor Accident Claims Tribunal,
(Chief Judicial Magistrate Court),
Pudukkottai.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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