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C.M.A.No.1835 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2024

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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.1835 of 2021

M.Govindaraj, aged 57 years
S/o.T.K.Manikkam
No.11, Dharamaraja Koil Street
8th Cross
Tirupattur town
Vellore District

... Appellant

Vs.

1.D.Murugan
S/o.Devaraj
No.537, Pambakuttai Village
Thimmanamuthur Post
Tirupattur Taluk
Vellore District

2.The Legal Manager
Shriram General Insurance Company Ltd.,
No.5, Rama Krishna Road
1st Floor, Perungudi
Tolgate
Chennai

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 12.02.2020 made in MACTOP.No.54 of 2016 on the file of the Motor Accident Claims Tribunal and Special Subordinate Judge,



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Tirupathur.
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For Appellant : Ms.A.Subadra

For Respondents : Mr.K.Poomalai (for R2)

J U D G M E N T

The Appeal has been filed against the Judgment and Decree dated 12.02.2020 made in MACTOP.No.54 of 2016 on the file of the Motor Accident Claims Tribunal and Special Subordinate Judge, Tirupathur.

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 MACTOP.No.54 of 2016 on the file of the Special Subordinate Judge, Tirupathur, seeking compensation for the injuries sustained by him in a road traffic accident occurred on 18.12.2015. The Tribunal has awarded a sum of Rs.3,01,500/- with interest at the rate of 7.5%. Aggrieved against the same and seeking enhancement, he has preferred this Appeal.



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4.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 finding rendered by the trial Court 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.

5.During the trial, on the side of the claim Petitioner, PW1 was examined, Ex.P.1 to Ex.P.19 were marked and on the side of the Respondents, RW1 was examined and Ex.R1 was marked.

6.Heard the learned counsel for the claim Petitioner and learned counsel for the Insurance Company.

7.After perusing the order passed by the Tribunal, I find that to show the nature and gravity of injuries sustained by the claim Petitioner, he has filed Ex.P.12 to 15/Medical bills before the Tribunal, to the tune of Rs.2,50,000/-,



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which was already granted by the Tribunal. The same is hereby confirmed.

With regard to the disability as per Ex.P.19/disability certificate, a sum of Rs.9,000/- was awarded by the Tribunal towards loss of income. Except the Medical expenses all the other conventional heads are hereby enhanced as follows.

<i>S.No.</i>	<i>Heads</i>	<i>Amount (Rs.)</i>
1	Pain and sufferings	50000
2	Extra nourishment	20000
3	Attender charges	15000
4	Medical expenses	250000
5	Transportation	10000
6	Loss of amenities	40000
7	Loss of income	30000
	Total	415000

The Tribunal has awarded 7.5% interest. The same is also hereby confirmed.

8.In total, the claim Petitioner is entitled to a sum of Rs.4,15,000/- (Rupees four lakh and fifteen thousand only).

9. In fine,



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(i) this Civil Miscellaneous Appeal stands partly allowed, enhancing the award amount from Rs.3,01,500/- to Rs.4,15,000/- to the extent indicated above, with 7.5% interest per annum. No Costs.

(ii) the Insurance Company is directed to deposit the enhanced award amount before the Tribunal, within a period of six 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.

23.01.2024

Index : Yes/No
Neutral citation : Yes/No



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Speaking Order/Non-Speaking Order

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RMT.TEEKAA RAMAN.J,

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To
The Special Subordinate Judge
Motor Accident Claims Tribunal
Tirupathur

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Dated: 23.01.2024