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CMA.No.1892 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.1892 of 2024

Rishi Krishna Iyer

... Appellant

vs.

1. S.Arumugam

2. The Manager,
Magma HDI General Insurance Company Limited,
2nd Floor, Door No-old 98/99,
New 140-150, Luz Church Road,
Mylapore - 600 004.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 19.07.2023 in M.C.O.P.No.7431/2018 on the file of the Motor Accident Claims Tribunal, II Small Causes Court, Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For R1 : Mr.Santhosh Kumar

For R2 : Ms.S.R.Sumathi

J U D G M E N T



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The appellant is the claimant in M.C.O.P.No.7431/2018 on the file of the Motor Accident Claims Tribunal, II Small Causes Court, Chennai. He filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 and Rule 3 of M.A.C.T. Rules seeking compensation of Rs.1,21,000/- for the injuries sustained by him in a road accident which happened on 15.09.2018.

2. Heard Mr.K.Varadha Kamaraj, learned counsel for the appellant / claimant, Mr.Santhosh Kumar, learned counsel appearing for the first respondent and Ms.S.R.Sumathi, learned counsel appearing for the second respondent.

3. Mr.K.Varadha Kamaraj, learned counsel for the appellant / claimant contended that the claimant was aged 24 years on the date of accident and his right hand is amputated up to shoulder level. However, the Tribunal did not award amount towards marital prospects.

4. A perusal of the records shows that the Tribunal had awarded compensation as shown below:

<i>S.No.</i>	<i>Heads</i>	<i>Amount</i>
1	Towards Disability	Rs.41,31,000/-



<i>S.No.</i>	<i>Heads</i>	<i>Amount</i>
2	Towards Pain and sufferings	Rs.1,00,000/-
3	Towards Loss of earning during Treatment	Rs.45,000/-
4	Towards Medical Expenses	Rs.5,84,819/-
5	Towards Loss of Amenities	Rs.1,00,000/-
6	Towards Attenders Charges	Rs.50,000/-
7	Towards Transportation Charges	Rs.50,000/-
8	Towards Extra Nourishment	Rs.50,000/-
	Total	Rs.51,10,819/-

5. All the amount awarded by the Tribunal is perfectly in order.

However, as rightly pointed out by the learned counsel for the appellant/claimant, the Tribunal had not awarded any amount towards the marital prospects especially when the claimant was only 24 years on the date of the accident. Hence, this Court is of the opinion that awarding a sum of Rs.2,00,000/- towards loss of marital prospects would meet the ends of justice. The compensation under the other heads shall remain intact.

Calculation:

Total Compensation awarded
by the Tribunal = Rs.51,10,819/-
Marital prospects = Rs.2,00,000/-
(51,10,819 + 2,00,000/- = 53,10,819/-)



6. The compensation awarded by the Tribunal is enhanced from

Rs.51,10,819/- to Rs.53,10,819/- which would carry interest at the rate of 7.5% per annum.

7. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed.
- ii. The compensation awarded by the Tribunal is enhanced from Rs.51,10,819/- to Rs.53,10,819/-.
- iii. The appellant / claimant is directed to pay court fee for the enhanced compensation amount, if any, within a period of four weeks from the date of this order and the Registry is directed to draft the decree only after receipt of the Court fee.
- iv. The second respondent / Magma HDI General Insurance Company Limited is directed to deposit the enhanced compensation amount i.e., Rs.53,10,819/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this order to the credit of M.C.O.P.No.7431/2018 on the file of the Motor Accident Claims



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v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same as per the orders passed by the Tribunal after following due process of law. No costs.

13.08.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes / No
vum

To

- 1.The Motor Accidents Claims Tribunal,
II Small Causes Court, Chennai
2. The Manager,
Magma HDI General Insurance Company Limited,
2nd Floor, Door No-old 98/99,
New 140-150, Luz Church Road,
Mylapore - 600 004.
- 3.The Section Officer, VR Section,
Madras High Court, Chennai.

R.HEMALATHA, J.

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