



Civil Miscellaneous Appeal No.1664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1664 of 2024

Govindaraj

... Appellant

Vs.

1. M/s.Sri Ranganathar Construction P Limited,
Residing at D.No.599 M, C4 Chinappa Layout,
Ponnar Sankar Illam, Near Bala Gas Agency,
Bhavani Taluk, Erode District.

2. The Oriental Insurance Co Ltd.,
D.No.5/1144B Appusamy Chetty Street,
Mettur Main Road, Auto Stand,
Kolathur, Mettur Taluk, Salem District

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order and decree in M.C.O.P No.54 of 2019 dated 25.09.2023, on the file of the Motor Accident Claims Tribunal, Subordinate Judge Court, Omalur.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : Mr.J.Chandran for R2



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It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.3,25,708.50/- (Rs.3,25,700/-) under various heads as follows :-

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability (15% x Rs.5,000)	Rs.75,000/-
2.	Attendar charges (13 days x 350)	Rs. 4,550/-
3.	Loss of amenities	Rs.15,000/-
4.	Towards pain and sufferings	Rs.15,000/-
5.	Towards Extra Nourishment and Transportation	Rs.10,000/-
6.	Damages to clothes	Rs. 1,000/-
7.	Loss of Income (5months x 10,000)	Rs.50,000/-
8.	Medical bills	Rs.1,55,158.50



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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
	Total	Rs.3,25,708.50/-

rounded off to Rs.3,25,700/-

The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The claimants not being satisfied with the quantum of compensation fixed by the Tribunal has filed this appeal seeking for enhancement of compensation.

5. Heard Mr.T.S.Arthanareeswaran, learned counsel for appellant/ claimant and Mr.J.Chandran, learned counsel for 2nd respondent / Insurance company.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.



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8. The Tribunal had adopted the per percentage method and fixed Rs.5,000/- per percentage. Considering the fact that the accident had taken place in the year 2019, this Court is inclined to fix a sum of Rs.7,000/- per percentage. Thus, the compensation under the head of disability is fixed at $\text{Rs.7,000/-} \times 15 = \text{Rs.1,05,000/-}$.

9. The claimant had undergone treatment as an in patient for nearly 13 days and the nature of injury sustained by the claimant has also been extracted supra. In view of the same, the compensation fixed under the head of Attender Charges, pain and sufferings, Extra nourishment and Transportation charges is enhanced to Rs.10,000/-, Rs.20,000/- and Rs.20,000/- respectively.

10. The compensation that has been granted under the other heads are reasonable and it does not require the interference of this Court.

11. In the light of the above discussion, this Court



modifies the compensation in the following manner:-

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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability (15% x Rs.5,000)	Rs.1,05,000/-
2.	Attender charges	Rs. 10,000/-
3.	Loss of amenities	Rs.15,000/-
4.	Towards pain and sufferings	Rs.20,000/-
5.	Towards Extra Nourishment and Transportation	Rs.20,000/-
6.	Damages to clothes	Rs. 1,000/-
7.	Loss of Income (5months x 10,000)	Rs.50,000/-
8.	Medical bills	Rs.1,55,158.50
	Total	Rs.3,61,158.50/-

12. The compensation awarded by the Tribunal at Rs.3,25,708.50/- is enhanced to Rs.3,61,158.50/-. The 2nd respondent Insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the



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Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is allowed in the above terms. No costs.

15.07.2024

Speaking Judgment/Non-speaking Judgment
Index :Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH.,J

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To,
Motor Accident Claims Tribunal, Subordinate Judge Court, Omalur.



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