



CMA No.783 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.783 of 2022

Srinivasan @ Krishnaiah

..Appellant/Petitioner

.Vs.

1.K.N.Vasanth

2.United India Insurance Co.Ltd.,
Motor III Party Claims Office
No.15, Anna Salai
Chennai 600 002.

..Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No.1499 of 2003 dated 29.8.2019, passed by the Motor Accidents Claims Tribunal-V Judge, Court of Small Causes at Chennai.

For Appellant : Mr.J.Mahalingam

For Respondents : Mr.P.Sankaranarayanan [R2]



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JUDGMENT

This appeal has been filed by the claimant seeking for enhancement of compensation fixed by the Tribunal in MCOP.No.1499 of 2003, through award dated 29.8.2019.

2.The case of the appellant is that he was riding a bicycle in the East Coast Road, Neelankarai and the Car that was driven by the 1st respondent came in the wrong side and dashed the bicycle. Due to this rash and negligent driving, the appellant fell down from the cycle and he sustained grievous injuries. It is under these circumstances, the claim petition was filed before the Tribunal.

3.The Tribunal had fixed the total compensation at Rs.1,89,400/- in the following manner:

Sl.No.	Compensation awarded under the Head	Amount (in Rs)
1.	Towards Pain and Sufferings	Rs. 30,000/-
2.	Extra nourishment and Transport	Rs. 20,000/-
3.	Disability (35% x 3000)	Rs.1,05,000/-
4.	Towards Attender charges (12 days x Rs.200)	Rs. 2,400/-
5.	Towards Loss of Amenities	Rs. 10,000/-
6.	Loss of income for 4 months (4 x 4000)	Rs. 16,000/-
7.	Medical expenses	Rs. 5,000/-
8.	Damages to clothes	Rs. 1,000/-
	Total	Rs.1,89,400/-



4.The appellant not satisfied with the above compensation fixed by the Tribunal has approached this Court seeking for enhancement of compensation.

5.Heard Mr.J.Mahalingam, learned counsel for the appellant and Mr.P.Sankaranarayanan, learned counsel for R2.

6.It is seen from the records that the appellant had sustained injuries in his left ankle as a result of which, he suffered 40% partial permanent disability. The same is evident from the disability certificate marked as Ex.P.9 and Ex.P.11. There was fracture in both bones at left leg bimalleolar fracture left ankle. The same has also been spoken to by the doctor examined as PW.2.

7.The Court below has assessed the compensation under various heads. This Court is inclined to modify the compensation only under two heads since the compensation fixed under all the other heads are reasonable.

8.Insofar as the attender charges are concerned, it is seen that the appellant underwent treatment as an inpatient for nearly 11 days and hence, the attender charges can be increased from Rs.2400/- to Rs.10,000/-. That apart, the Tribunal has fixed the notional income at Rs.4000/-p.m and loss of income has been calculated as Rs.16000/-. Considering the appellant's avocation at the relevant point of time, this Court is inclined to enhance the compensation by fixing the monthly



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income at Rs.5000/-. Accordingly, the compensation is fixed at Rs.20,000/- [Rs.5000 x 4 months].

9.In the light of the above discussion, the total compensation awarded by the Tribunal is fixed in the following manner:

Sl.No.	Compensation awarded under the Head	Amount (in Rs)
1.	Towards Pain and Sufferings	Rs. 30,000/-
2.	Extra nourishment and Transport	Rs. 20,000/-
3.	Disability (35% x 3000)	Rs.1,05,000/-
4.	Towards Attender charges (12 days x Rs.834)	Rs. 10,000/-
5.	Towards Loss of Amenities	Rs. 10,000/-
6.	Loss of income for 4 months (4 X Rs.5000)	Rs. 20,000/-
7.	Medical expenses	Rs. 5,000/-
8.	Damages to clothes	Rs. 1,000/-
	Total	Rs.2,01,000/-

10.The compensation awarded by the Tribunal at Rs.1,89,400/- is enhanced to Rs.2,01,000/-. There shall be a direction to the 2nd respondent to pay the above compensation 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 this judgment. The other conditions imposed by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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11.This civil miscellaneous appeal is allowed in the above terms. No costs.

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Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

To

Motor Accidents Claims Tribunal-V Judge
Court of Small Causes, Chennai.

Copy to:-

The Section Officer
VR Section, High Court,
Chennai.

N. ANAND VENKATESH., J

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